



Reprinted
February 24, 2009

SENATE BILL No. 524

DIGEST OF SB 524 (Updated February 23, 2009 7:23 pm - DI 77)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Department of heritage and cultural resources. Requires certain documents be delivered to the Indiana historical society. Establishes the department of Indiana heritage and cultural resources (department) and a fund to support the department. Allows admission fees to be established for historic sites. Establishes within the department the: (1) division of state museums and historic sites; (2) division of historic preservation and archeology; (3) Indiana historical bureau; (4) Indiana state library; (5) commission on public records; (6) Wabash River heritage corridor commission; and (7) certain programs and boards. Makes certain changes to the duties of agencies, programs, and boards that are within the department. Establishes the historic site fund, and requires the admission fees and historic property sales to be deposited in the historic site fund (instead of in the museum acquisition fund). Provides for the transfer of personnel, property, and responsibilities to the department.

Effective: July 1, 2009.

Merritt

January 15, 2009, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.
February 16, 2009, reported favorably — Do Pass.
February 23, 2009, read second time, amended, ordered engrossed.

SB 524—LS 7363/DI 77+



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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 524

A BILL FOR AN ACT to amend the Indiana Code concerning
natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 1-1-3.5-5, AS AMENDED BY P.L.2-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 5. (a) The governor shall forward a copy of the
4 executive order issued under section 3 of this chapter to:

5 (1) the director of the Indiana state library (**established within**
6 **the department of Indiana heritage and cultural resources**);

7 (2) the election division; and

8 (3) the Indiana Register.

9 (b) The director of the Indiana state library, or an employee of the
10 Indiana state library designated by the director to supervise a state data
11 center established under IC 4-23-7.1, shall notify each state agency
12 using population counts as a basis for the distribution of funds or
13 services of the effective date of the tabulation of population or
14 corrected population count.

15 (c) The agencies that the director of the Indiana state library must
16 notify under subsection (b) include the following:

17 (1) The auditor of state, for distribution of money from the

SB 524—LS 7363/DI 77+



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following:

- (A) The cigarette tax fund in accordance with IC 6-7-1-30.1.
- (B) Excise tax revenue allocated under IC 7.1-4-7-8.
- (C) The local road and street account in accordance with IC 8-14-2-4.
- (2) The board of trustees of Ivy Tech Community College for the board's division of Indiana into service regions under IC 21-22-6-1.
- (3) The lieutenant governor, for the distribution of money from the rural development fund under IC 4-4-9.
- (4) The division of disability and rehabilitative services, for establishing priorities for community residential facilities under IC 12-11-1.1 and IC 12-28-4-12.
- (5) The department of state revenue, for distribution of money from the motor vehicle highway account fund under IC 8-14-1-3.
- (6) The Indiana economic development corporation, for the evaluation of enterprise zone applications under IC 5-28-15.
- (7) The alcohol and tobacco commission, for the issuance of permits under IC 7.1.

- (8) The Indiana ~~state library, and historical board~~, for distribution of money to eligible public library districts under IC 4-23-7.1-29.
- (9) The state board of accounts, for calculating the state share of salaries paid under IC 33-38-5, IC 33-39-6, and IC 33-41-2.

SECTION 2. IC 2-6-1.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The supervision of the preparation and indexing of the journals of the house and senate of each session of the general assembly shall be the duty of the clerk of the house and the secretary of the senate, respectively.

(b) Copies of the journals of each house shall be distributed to all state elected officials. Sufficient additional copies shall be furnished to the Indiana state library **(established under IC 4-34.1-2-2(6))** to provide for the state-wide availability of the journals and to fill requests from official agencies in other states.

SECTION 3. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. An individual may not solicit or receive a contribution in violation of the following statutes:

- ~~(1) IC 4-23-7-3.5 (Indiana Library and Historical Department):~~
- ~~(2) (1) IC 4-23-7-3.5 and IC 4-23-7.1-38 (Indiana state library).~~
- ~~(3) (2) IC 4-23-7-3.5 and IC 4-23-7.2-17 (Indiana historical bureau).~~
- ~~(4) (3) IC 8-23-2-3 (Indiana department of transportation).~~
- ~~(5) (4) IC 14-9-7-1 and IC 14-10-3-10 (Department of natural~~

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resources).

SECTION 4. IC 4-1-2-1, AS AMENDED BY P.L.13-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. It is the intent of this chapter that state offices be open and able to conduct public business at all times during an eight and one-half (8 1/2) hour working day. Each employee shall work for a full seven and one-half (7 1/2) hours each working day and provision for a one (1) hour lunch period shall be provided each employee. Lunch hours of employees shall be staggered to permit the conduct of business at all times during a working day. Breaks shall be provided as set forth in IC 5-10-6-2. It shall be lawful for state offices to close their doors for business from the close of the working day each Friday or in the event Friday is a legal holiday, then from the close of the working day on the Thursday which immediately precedes such legal holiday, until the commencement of the working day on the next following Monday, or in the event Monday is a legal holiday, then until the commencement of the working day on the Tuesday which immediately follows such legal holiday; provided, however, that the state library may be kept open until noon Saturdays in the discretion of the **director of the Indiana state library. and historical board.**

SECTION 5. IC 4-5-1-2, AS AMENDED BY P.L.123-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The secretary of state shall keep and preserve the following:

- (1) The enrolled copy of the Constitution of the state.
- (2) The manuscripts containing the enrolled acts and joint resolutions of the general assembly.
- (3) All the official bonds of state officers except the secretary of state's bond.
- (4) All written contracts to which the state is a party, unless required to be deposited elsewhere.
- (5) Any rule or other agency statement that is filed under IC 4-22-2 before July 1, 2006.

(b) All documents described in subsection (a)(1), (a)(2), or (a)(5) may be transferred **for safekeeping** by the secretary of state to the commission on public records ~~for safekeeping, and established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5).~~ The commission shall receive and safely preserve ~~them the documents~~ when transferred. The secretary of state and the commission on public records shall establish an indexing system so that the secretary of state, an agency, or the commission on public records can comply with a request under IC 5-14-3 to inspect or copy

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a transferred document described in subsection (a)(5), including the full text of a matter incorporated by reference into a document described in subsection (a)(5). The indexing system must at least identify transferred documents by the following:

- (1) Indiana Administrative Code citation.
- (2) Indiana Register document control number or volume and page number.
- (3) Year of adoption.
- (4) General subject matter.

(c) Regardless of whether a document described in subsection (a)(1) or (a)(2) is transferred to the commission on public records under subsection (b), when deemed expedient or necessary for the preservation of the documents, the secretary of state may copy the documents by any micrographic technique, and the micrographic copies shall be stored in a place other than in the state capitol building or the Indiana state library **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(6).**

(d) The secretary of state may copy in micrographic form the complete contents of each rule that is filed with the secretary of state's office under IC 4-22-2 before July 1, 2006. Both the rule and the full text of matters incorporated by reference into the rule may be copied.

(e) Micrographic copies prepared under subsection (d) must conform with the following:

- (1) The standards developed by the supreme court and the oversight commission on public records under IC 5-15-5.1-8.
- (2) The standards developed in an agreement between the secretary of state, the publisher of the Indiana Register, the governor, the attorney general, the Indiana ~~state~~ library, ~~and historical department~~, and the commission on public records.

(f) The secretary of state may micrographically copy documents under subsection (d):

- (1) in the micrographic laboratory operated by the commission on public records under IC 5-15-5.1-8;
- (2) with equipment and technology operated by the secretary of state; or
- (3) through a contract for services procured under IC 5-22.

(g) When a document is micrographically copied under this section, the original documents shall never be destroyed even if microfilmed. However, if the secretary of state has the capacity to make certifiable copies from a micrographic media prepared under subsection (d), the secretary of state may return to its originating agency the full text of any matter that is incorporated by reference into a rule and

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1 micrographically copied.

2 SECTION 6. IC 4-15-2-3.8, AS AMENDED BY P.L.1-2007,
3 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2009]: Sec. 3.8. "State service" means public service by:

5 (1) employees and officers, including the incumbent directors, of
6 the county offices of family and children; and

7 (2) employees and officers, except members of boards and
8 commissions or individuals hired for or appointed to, after June
9 30, 1982, positions as appointing authorities, deputies, assistants
10 reporting to appointing authorities, or supervisors of major units
11 within state agencies, irrespective of the title carried by those
12 positions, of the division of disability and rehabilitative services,
13 division of aging, Fort Wayne State Developmental Center,
14 division of mental health and addiction, Larue D. Carter
15 Memorial Hospital, Evansville State Psychiatric Treatment Center
16 for Children, Evansville State Hospital, Logansport State
17 Hospital, Madison State Hospital, Richmond State Hospital, state
18 department of health, Indiana School for the Blind and Visually
19 Impaired, Indiana School for the Deaf, Indiana Veterans' Home,
20 Indiana Soldiers' and Sailors' Children's Home, Silvercrest
21 Children's Development Center, department of correction,
22 Westville Correctional Facility, Plainfield Juvenile Correctional
23 Facility, Putnamville Correctional Facility, Indianapolis Juvenile
24 Correctional Facility, Indiana State Prison, Indiana Women's
25 Prison, Pendleton Correctional Facility, Reception and Diagnostic
26 Center, Rockville Correctional Facility, Youth Rehabilitation
27 Facility, Plainfield Correctional Facility, department of homeland
28 security (excluding a county emergency management organization
29 and any other local emergency management organization created
30 under IC 10-14-3), civil rights commission, criminal justice
31 planning agency, department of workforce development, ~~Indiana~~
32 ~~historical bureau~~, ~~Indiana state library~~, division of family
33 resources, department of child services, Indiana state board of
34 animal health, Federal Surplus Property Warehouse, Indiana
35 education employment relations board, department of labor,
36 Indiana protection and advocacy services commission,
37 ~~commission on public records~~, Indiana horse racing commission,
38 and state personnel department.

39 SECTION 7. IC 4-20.5-6-11, AS ADDED BY P.L.29-2007,
40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2009]: Sec. 11. (a) The department shall commission and
42 place within the state capitol a permanent display commemorating the

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contributions of black citizens of Indiana to:

- (1) the state;
- (2) other governmental entities; and
- (3) the private sector;

throughout the history of Indiana.

(b) The department shall consult with the Indiana historical bureau **established within the department of Indiana heritage and cultural resources** to:

- (1) identify the individuals whose contributions are to be included in the display; and
- (2) assist in the design of the display.

(c) Not later than July 1, 2008, the department shall submit the plans for the display to the legislative council for approval.

(d) After the legislative council has approved the plans for the display, the department shall have the display constructed and placed in the state capitol.

SECTION 8. IC 4-20.5-6-12, AS ADDED BY P.L.29-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) The department shall commission and place within the state capitol a bust of President Benjamin Harrison.

(b) The department shall consult with the Indiana historical bureau **established within the department of Indiana heritage and cultural resources** and the Indiana arts commission to assist in the design of the bust.

(c) Not later than July 1, 2008, the department shall submit the plans for the bust to the legislative council for approval.

(d) After the legislative council approves the plans for the bust, the department shall have the bust made and placed in the state capitol.

SECTION 9. IC 4-20.5-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The department shall notify the following of the proposed transfer:

- (1) Other state agencies.
- (2) State educational institutions.
- (3) The division of historic preservation and archeology of the department of ~~natural~~ **Indiana heritage and cultural** resources as required by IC 14-21-1-14.

SECTION 10. IC 4-22-7-4, AS AMENDED BY P.L.215-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. An agency shall maintain a copy of each rule that has been filed with the secretary of state (including documents filed with the secretary of state under IC 4-22-2-21) under a retention schedule established by the commission on public records **established**

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1 **within the department of Indiana heritage and cultural resources**
 2 **by IC 4-34.1-2-2(5).**

3 SECTION 11. IC 4-22-7-7, AS AMENDED BY P.L.123-2006,
 4 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2009]: Sec. 7. (a) This section applies to the following agency
 6 statements:

- 7 (1) Executive orders issued by the governor.
 8 (2) Notices that a rule has been disapproved or objected to by the
 9 attorney general under IC 4-22-2-32 or IC 4-22-2-38, or
 10 disapproved or objected to by the governor under IC 4-22-2-34 or
 11 IC 4-22-2-38.
 12 (3) Official opinions of the attorney general (excluding advisory
 13 letters).
 14 (4) Official explanatory opinions of the state board of accounts
 15 based on an official opinion of the attorney general.
 16 (5) Any other statement:
 17 (A) that:
 18 (i) interprets, supplements, or implements a statute or rule;
 19 (ii) has not been adopted in compliance with IC 4-22-2;
 20 (iii) is not intended by its issuing agency to have the effect
 21 of law; and
 22 (iv) may be used in conducting the agency's external affairs;
 23 or
 24 (B) that specifies a policy that an agency relies upon to:
 25 (i) enforce a statute or rule;
 26 (ii) conduct an audit or investigation to determine
 27 compliance with a statute or rule; or
 28 (iii) impose a sanction for violation of a statute or rule.

29 This subdivision includes information bulletins, revenue rulings
 30 (including, subject to IC 6-8.1-3-3.5, a letter of findings), and
 31 other guidelines of an agency.

32 (6) A statement of the governor concerning extension of an
 33 approval period under IC 4-22-2-34.

34 (b) Whenever an agency adopts a statement described by subsection
 35 (a), the agency shall distribute electronic copies of the statement to the
 36 publisher for publication and indexing in the Indiana Register (in the
 37 format specified by the publisher under IC 4-22-2) and the copies
 38 required by IC 4-23-7.1-26 to the Indiana **state** library. ~~and historical~~
 39 ~~department~~. However, if a statement under subsection (a)(5)(B) is in
 40 the form of a manual, book, pamphlet, or reference publication, the
 41 publisher is required to publish only the title of the manual, book, or
 42 reference publication.

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(c) Every agency that adopts a statement described under subsection (a) also shall maintain a current list of all agency statements described in subsection (a) that it may use in its external affairs. The agency shall update the listing at least every thirty (30) days. The agency shall include on the list the name of the agency and the following information for each statement:

- (1) Title.
- (2) Identification number.
- (3) Date originally adopted.
- (4) Date of last revision.
- (5) Reference to all other statements described in subsection (a) that are repealed or amended by the statement.
- (6) Brief description of the subject matter of the statement.

(d) At least quarterly, every agency that maintains a list under subsection (c) shall distribute two (2) copies to the Indiana **state** library and ~~historical department~~ and the administrative rules oversight committee.

SECTION 12. IC 4-23-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. ~~There is hereby created and~~ (a) As used in this chapter, "advisory board" refers to the library and historical advisory board established by subsection (c).

(b) As used in this chapter, "commissioner" refers to the commissioner of the department of Indiana heritage and cultural resources established by IC 4-34.1-2-1.

(c) The library and historical advisory board is established. a department of the state government which shall be known as the Indiana Library and Historical Department.

SECTION 13. IC 4-23-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The management and control of the Indiana library and historical department is hereby vested in a **advisory** board which shall be known as the Indiana library and historical board; and which shall consist **consists** of five (5) members, who shall be appointed by the governor. as hereinafter provided: In the first instance, one (1) of such members shall be appointed for a term of one (1) year; one (1) member for a term of two (2) years; one (1) member for a term of three (3) years, and two (2) members for a term of four (4) years. Thereafter All members shall be appointed for terms of four (4) years. ~~No~~ A person shall **may not** be appointed as a member of the Indiana library and historical **advisory** board unless ~~he~~ **the person** is a citizen of high standing and probity and has a known and active interest in library or historical work. One (1)

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1 member of the library and historical board shall be appointed on
 2 recommendation of the state board of education, one (1) member shall
 3 be appointed on recommendation of the Indiana library, trustee
 4 association, one (1) member shall be appointed on recommendation of
 5 the Indiana library association, one (1) member shall be appointed on
 6 recommendation of the Indiana historical society, and one (1) member
 7 shall be selected and appointed by the governor.

8 (b) The members of the **advisory** board shall serve without
 9 compensation, but ~~shall be~~ **are** entitled to receive their actual expenses
 10 necessarily incurred in attending the meetings and transacting the
 11 business of the board, and in participating in such other activities as
 12 may be in the interest of the department. Any vacancy which may occur
 13 in the membership of the board for any cause shall be filled by
 14 appointment by the governor for the unexpired term, either on
 15 recommendation of the board, association, or society ~~hereinbefore~~
 16 authorized to make ~~recommendations~~, **a recommendation** or by
 17 selection by the governor. ~~as hereinbefore provided~~. The **advisory**
 18 board may ~~prepare~~ **recommend** plans subject to the approval of the
 19 ~~governor commissioner~~ and advise with the proper officials in the
 20 construction of alterations and additions to the building and provide
 21 necessary equipment and furnishings within the appropriations of funds
 22 for these purposes. **Subject to the approval of the commissioner**, the
 23 **advisory** board may receive and administer any state or federal aid
 24 which may become available for the improvement and development of
 25 library and historical services in Indiana.

26 SECTION 14. IC 4-23-7-2.1 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) The ~~Indiana~~
 28 ~~library and historical~~ **advisory** board shall elect one (1) of its members
 29 as president, another as secretary, and such other officers as it
 30 determines, each of whom shall hold office for a term of one (1) year.

31 (b) The ~~board~~ **commissioner** may designate the director of the state
 32 library or the director of the historical bureau as the executive secretary
 33 of the board with duties as prescribed by the ~~board~~ **commissioner**.

34 SECTION 15. IC 4-23-7-3 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The **following are**
 36 **established within the Indiana library and historical department**
 37 ~~consists of two (2) divisions~~ **heritage and cultural resources**
 38 **department:**

39 (1) The Indiana state library **established by IC 4-34.1-2-2(6).** and

40 (2) The Indiana historical bureau **established by**
 41 **IC 4-34.1-2-2(4).**

42 SECTION 16. IC 4-23-7-3.2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.2. ~~In perfecting the~~
 2 ~~internal organization of the department; The board may so apportion~~
 3 ~~the duties of the department and of the several divisions thereof that~~
 4 ~~like services in the various divisions may be performed by the same~~
 5 ~~employee or employees for the entire department; commissioner is~~
 6 **responsible for the organizational structure of the Indiana state**
 7 **library and the Indiana historical bureau.**

8 SECTION 17. IC 4-23-7-3.5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. ~~No A member of~~
 10 ~~the library and historical advisory board, nor any the commissioner,~~
 11 ~~the director, or other an employee of the department shall~~ **Indiana**
 12 **state library or the Indiana historical bureau may not** directly or
 13 indirectly solicit subscription or contribution for any political party or
 14 political purpose, or be forced in any way to make such contribution,
 15 or be required to participate in any form of political activity.

16 SECTION 18. IC 4-23-7-5 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. Subject to the
 18 provisions of this chapter, the ~~library and historical advisory~~ board
 19 shall ~~formulate~~ **recommend** rules and ~~regulations~~ for the care,
 20 management, and expansion of the ~~library and historical department~~
 21 **Indiana state library and the Indiana historical bureau** so that the
 22 department and its several divisions **Indiana state library and the**
 23 **Indiana historical bureau** may at all times be operated according to
 24 the most approved standards of library and historical service.

25 SECTION 19. IC 4-23-7-5.2 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.2. The ~~Indiana library~~
 27 ~~and historical board commissioner~~ may accept gifts, bequests, and
 28 devises of personal and real property for the maintenance, use, or
 29 benefit of the Indiana **state** library and **Indiana** historical ~~department~~
 30 **bureau** under such terms and conditions and with such obligations,
 31 liabilities, and burdens as in the judgment of the ~~board and the~~
 32 ~~governor commissioner~~ is in the best interest of the Indiana **state**
 33 library and **Indiana** historical ~~department; bureau~~. However, ~~no an~~
 34 obligation, liability, or burden ~~shall~~ **may not** be assumed that is in
 35 excess of appropriations made by law for the payment of such
 36 obligations, liabilities, and burdens.

37 SECTION 20. IC 4-23-7-5.3 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.3. (a) The ~~Indiana~~
 39 ~~library and historical board may on the recommendation of the director~~
 40 ~~of the state library; commissioner may~~ sell, lease, exchange, or
 41 otherwise dispose of library materials under:

42 (1) IC 4-13-2-12; or

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(2) IC 4-13-2-12.5.

(b) The ~~Indiana library and historical board~~ **commissioner** may, ~~on the recommendation of the director of the state library and in accordance with policies and procedures adopted by the board,~~ **director**, sell, donate, or exchange library materials to or with other public or nonprofit libraries or historical societies.

(c) The ~~Indiana library and historical board~~ **commissioner** may ~~on the recommendation of the director of the state library,~~ adopt policies and procedures for evaluating a proposal to:

(1) accept gifts of;

(2) sell;

(3) exchange; or

(4) otherwise dispose of;

library materials described in IC 4-23-7.1-3.

SECTION 21. IC 4-23-7-5.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.4. (a) The library and historical ~~department~~ fund is established as a dedicated fund to be administered by the ~~Indiana library and historical board,~~ **department of Indiana heritage and cultural resources**. The monies in the fund may be expended by the ~~board~~ **department** exclusively for the maintenance, use, or benefit of the Indiana **state** library and **Indiana** historical ~~department,~~ **bureau**.

(b) The proceeds from the sale of items as directed by law or by the ~~Indiana library and historical board,~~ **commissioner**, from gifts of money or the proceeds from the sale of gifts donated to the fund, and from investment earnings from any portion of the fund, shall be deposited in the fund.

(c) All monies accruing in the fund are hereby appropriated continuously for the purposes specified in this section.

(d) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year; however, if the fund is abolished, its contents shall revert to the general fund of the state.

SECTION 22. IC 4-23-7-30, AS AMENDED BY P.L.2-2007, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 30. (a) The ~~Indiana library and historical~~ **advisory** board shall establish the council on library automation to:

(1) conduct ongoing planning activities for library automation in Indiana; and

(2) advance the automation goals of Indiana's libraries through the cooperation of the appropriate library agencies and organizations.

(b) The council on library automation consists of thirteen (13) members as follows:

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- (1) One (1) member from the Indiana library and historical board.
- (2) Two (2) members from area library services authorities.
- (3) Two (2) members from the Indiana cooperative library services authority.
- (4) Two (2) members from the department of education.
- (5) Two (2) members from the state educational institution library automation committee.
- (6) Two (2) members from the Indiana state library.
- (7) Two (2) members from public libraries.

(c) With regard to the members described in subsection (b)(1) through (b)(6), each respective entity or agency described in subsection (b)(1) through (b)(6) shall forward its nominees for appointment on the council to the ~~Indiana library and historical board~~ **commissioner** for confirmation.

(d) The ~~Indiana library and historical~~ **advisory** board shall establish a process to select the members appointed under subsection (b)(7).

(e) ~~Except as provided in subsection (f);~~ The terms of office for council members is three (3) years.

~~(f) The Indiana library and historical board shall establish the procedures for the council; including staggering the terms for initial members of the council;~~

~~(g)~~ **(f)** The council **on library automation** may do the following:

- (1) Encourage planning by individual libraries and groups of libraries with regard to library automation.
- (2) Annually update and distribute the statewide library automation and resource sharing plan.
- (3) Submit to the state library board its recommendations concerning the adoption of library automation standards under IC 4-23-7.1-11(b).
- (4) Encourage library automation, resource sharing, and document delivery programs that are consistent with state technology strategies, educational programs, and economic interests.
- (5) Consult with appropriate agencies and organizations with an interest in library automation and resource sharing in Indiana.

(h) The council **on library automation** shall provide an annual report to the ~~Indiana library and historical~~ **advisory** board on the council's activities and progress made towards meeting the goals in the statewide library automation and resource sharing plan. The council shall recommend to the ~~Indiana library and historical~~ **advisory** board funding strategies that support the goals and initiatives contained in the statewide plan.

SECTION 23. IC 4-23-7.1-1, AS AMENDED BY P.L.1-2005,



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SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

(1) "Advisory council" refers to the Indiana state library advisory council established by section 39 of this chapter.

(2) "Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.

(3) "Board" means the ~~Indiana~~ library and historical **advisory** board established by ~~IC 4-23-7-2~~. **IC 4-23-7-1.**

~~(4) "Department" means the Indiana library and historical department established by IC 4-23-7-1.~~

~~(5)~~ (4) "Director" means director of the Indiana state library.

~~(6)~~ (5) "Historical bureau" means the Indiana historical bureau established by ~~IC 4-23-7-3~~. **within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(4).**

~~(7)~~ (6) "Public library" has the meaning set forth in IC 36-12-1-5.

~~(8)~~ (7) "State library" means the Indiana state library established by ~~IC 4-23-7-3~~. **within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(6).**

~~(9)~~ (8) "Statewide library card program" refers to the program established by section 5.1 of this chapter.

SECTION 24. IC 4-23-7.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. **With the advice of the board**, the state library shall initiate or participate in plans or programs for historical or library development in Indiana that are considered appropriate. ~~by the Indiana library and historical board.~~

SECTION 25. IC 4-23-7.1-5.1, AS AMENDED BY P.L.1-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.1. (a) The state library shall develop and implement a statewide library card program to enable individuals who hold a valid statewide library card to present the statewide library card to borrow:

(1) library books; or

(2) other items available for public borrowing from public libraries as established by rules adopted by the board under subsection (c);

from any public library in Indiana. The statewide library card program is in addition to any reciprocal borrowing agreement entered into between public libraries under IC 36-12-3-7 or IC 36-1-7.

(b) The statewide library card program developed under this section

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- 1 must provide for at least the following:
- 2 (1) To be an eligible cardholder of a statewide library card or to
- 3 renew a statewide library card, the individual must:
- 4 (A) be a resident of Indiana;
- 5 (B) ask to receive or renew the statewide library card; and
- 6 (C) hold a valid resident or nonresident local library card
- 7 issued to the individual by a public library under
- 8 IC 36-12-2-25.
- 9 (2) The individual's public library shall pay a fee to be established
- 10 by rules adopted by the board under subsection (c) based on not
- 11 less than forty percent (40%) of the current average operating
- 12 fund expenditure per borrower by all eligible public libraries as
- 13 reported annually by the state library in the state library's annual
- 14 "Statistics of Indiana Libraries". The individual's public library
- 15 may assess the individual a fee to cover all or part of the costs
- 16 attributable to the fee required from the public library and the
- 17 amount charged to all individuals by a public library under this
- 18 subdivision may not exceed the amount the public library is
- 19 required to pay under this subdivision.
- 20 (3) Each statewide library card expires one (1) year after issuance
- 21 to an eligible cardholder.
- 22 (4) Statewide library cards are renewable for additional one (1)
- 23 year periods to eligible cardholders who comply with subdivision
- 24 (1).
- 25 (5) Statewide library cards shall be available to eligible
- 26 cardholders at all public libraries.
- 27 (6) Each eligible cardholder using a statewide library card is
- 28 responsible for the return of any borrowed item directly to the
- 29 public library from which the cardholder borrowed the item.
- 30 (7) All public libraries shall participate in the statewide library
- 31 card program and shall permit an individual who holds a valid
- 32 statewide library card to borrow items available for borrowing as
- 33 established by rules adopted by the board under subsection (c).
- 34 (8) A nonresident of a public library taxing district who requests
- 35 a statewide library card shall pay a fee for that card that includes,
- 36 but is not limited to, the sum of the following:
- 37 (A) The statewide library card fee that a public library is
- 38 required to pay under subdivision (2).
- 39 (B) The library taxing district's operating fund expenditure per
- 40 capita in the most recent year for which that information is
- 41 available in the state library's annual "Statistics of Indiana
- 42 Libraries".

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1 This subdivision does not limit a library district's fee making
 2 ability or a library district's ability to enter township contractual
 3 arrangements.

4 (c) The ~~board~~ **director** shall adopt rules under IC 4-22-2 to
 5 implement this section, including rules governing the following:

6 (1) The amount and manner in which the public libraries shall
 7 remit the fee under subsection (b)(2) to the state library for the
 8 state library's use in conducting the statewide library card
 9 program.

10 (2) The manner of distribution and payment to each eligible
 11 public library district of the funds generated by the statewide
 12 library card program based upon the loans made by each eligible
 13 public library. To be eligible for a payment, the public library
 14 district must also comply with the standards and rules established
 15 under section 11 of this chapter.

16 (3) The manner in which fines, penalties, or other damage
 17 assessments may be charged to eligible cardholders for items:

18 (A) borrowed but not returned;

19 (B) returned to the inappropriate public library;

20 (C) returned after the items were otherwise due; or

21 (D) damaged.

22 (4) The dissemination of the statewide library cards to the public
 23 libraries.

24 (5) Record keeping procedures for the statewide library card
 25 program.

26 (6) Any other pertinent matter.

27 SECTION 26. IC 4-23-7.1-5.2, AS AMENDED BY P.L.1-2005,
 28 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2009]: Sec. 5.2. (a) As used in this section, "fund" refers to the
 30 statewide library card fund established by subsection (b).

31 (b) The statewide library card fund is established as a dedicated
 32 fund to be administered by the state library. Money in the fund shall be
 33 disbursed by the director of the state library exclusively for:

34 (1) the costs of administering the statewide library card program;

35 or

36 (2) distribution to eligible public libraries for services related to
 37 loans of books or other library items under the statewide library
 38 card program.

39 (c) A public library is eligible for a distribution of money from the
 40 fund if the ~~board~~ **director** determines that the public library:

41 (1) meets the standards for public libraries established by rules of

42 the ~~board~~ **director** or the ~~board~~ **director** has granted the public

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library a waiver from these standards; and

(2) charges a fee in the amount required under IC 36-12-2-25 for issuing a local library card to a nonresident of the public library district.

(d) **After consultation with the board, the board director** shall adopt rules under IC 4-22-2 to establish a formula for the distribution of money in the fund to eligible public libraries. The formula must base the amount of money paid to an eligible public library upon the number of net loans made by the eligible public library under the statewide library card program.

(e) The fees collected under section 5.1 of this chapter shall be deposited in the fund. Interest earned on money in the fund shall be deposited in the fund.

(f) Money in the fund is appropriated continuously for the purposes specified in this section and section 5.1 of this chapter.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the fund is abolished, any money in the fund reverts to the state general fund.

SECTION 27. IC 4-23-7.1-11, AS AMENDED BY P.L.130-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The ~~board~~, **director**, with the advice of the advisory council, shall establish operating standards and rules for libraries eligible to receive funds, either federal or state, under the provisions of any program for which the Indiana state library is the administrator. The Indiana state library shall monitor libraries eligible to receive funds or receiving funds to ascertain whether or not the standards and rules are being met.

(b) The ~~board~~, **director**, with the advice of the council on library automation established under IC 4-23-7-30, shall establish library automation standards for libraries. The Indiana state library shall monitor compliance with the standards.

SECTION 28. IC 4-23-7.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The state library may cooperate with any of the educational institutions of the state or other institutions, organizations, or individuals for the purpose of meeting its responsibilities in any manner and to any extent which may be approved by the ~~board~~, **director**.

SECTION 29. IC 4-23-7.1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. The state library shall retain copies of all reports, documents, bulletins, or other publications as may be necessary for its use or the use of the historical bureau, and the copies remaining shall be distributed and exchanged in

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such manner as may be prescribed by the ~~board~~ **director**.

SECTION 30. IC 4-23-7.1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. The ~~board~~ **director** shall determine the days and hours the library and its subdivisions will be open for public use. However, the provisions of the laws governing the length of the working day, the hours of public business, and the observance of legal holidays shall be observed.

SECTION 31. IC 4-23-7.1-22, AS AMENDED BY P.L.130-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. (a) The Indiana state library annually shall collect data from all libraries in Indiana.

(b) Each public officer who:

- (1) has in the officer's charge or custody;
- (2) is capable of supplying; or
- (3) is required to collect and compile;

information required by the ~~library and historical department~~ **bureau** or by the state library shall supply the information promptly at the request of the ~~department bureau~~ or the state library.

SECTION 32. IC 4-23-7.1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23. The enumeration of the specific powers and duties in this chapter does not exclude the state library from engaging in any other activity, not contrary to law, that the ~~Indiana library and historical board~~ **director** may consider appropriate in the development of library service to state government, to the libraries and library profession of Indiana, and to the citizens of the state.

SECTION 33. IC 4-23-7.1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. The ~~board~~ **director** may promulgate rules, under IC 4-22-2, to carry out the provisions and purpose of this chapter.

SECTION 34. IC 4-23-7.1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 32. Any book or other library material, unless restricted because of its value, physical condition, historical importance, demand, requirement for research or legal or contractual restriction, belonging to or in custody of the state library may be borrowed for use outside of the library by any resident of the state or any library in accordance with rules adopted by the ~~Indiana library and historical board~~ **director**.

SECTION 35. IC 4-23-7.1-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 33. Rules for all loans including, at its discretion, the imposition of fines on borrowers for violation of the rules, shall be established by the ~~board~~ **director**. All

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1 funds accruing from such fines shall be deposited in the state library
2 publications fund.

3 SECTION 36. IC 4-23-7.1-36 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 36. The state library
5 shall be organized in such manner as determined by the director, ~~with~~
6 ~~the approval of~~ **after consultation with** the board. The duties of the
7 state library established by law may be supplemented by the ~~board~~
8 **director** according to ~~its~~ **the director's** discretion.

9 SECTION 37. IC 4-23-7.1-37 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 37. ~~(a) The board shall~~
11 ~~appoint a director to be the chief administrative officer of the state~~
12 ~~library.~~

13 ~~(b)~~ To qualify for the position of director, a person must:

- 14 (1) be a graduate of a college or university of recognized
- 15 standing;
- 16 (2) have had special training in the technique and organization of
- 17 library service;
- 18 (3) possess such other qualifications as the board, in its discretion,
- 19 may deem necessary.

20 ~~(c) The director may be removed by the board at any time for cause.~~

21 SECTION 38. IC 4-23-7.1-38 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 38. ~~(a) All state library~~
23 ~~employees, except the director, shall be selected by the director with~~
24 ~~the approval of the board and may be removed by the director for cause~~
25 ~~at any time with the approval of the board.~~

26 ~~(b)~~ **(a)** In making selections for employment, recognition shall be
27 given to the fact that all certified librarians are under the Library
28 Certification Act. ~~and that other staff personnel are under IC 4-15-2.~~

29 ~~(c)~~ **(b)** Any or all of the state library employees must have had such
30 academic preparation and special training for the work which they are
31 required to perform as may be prescribed in rules promulgated by the
32 board.

33 ~~(d) The board may provide that appointments may be made only~~
34 ~~after the applicant has successfully passed an examination given by the~~
35 ~~board or some person designated by the board.~~

36 ~~(e) No employee of the state library may directly or indirectly solicit~~
37 ~~subscription or contribution for any political party or political purpose,~~
38 ~~or be forced in any way to make such contribution, or be required to~~
39 ~~participate in any form of political activity.~~

40 ~~(f) The state budget agency shall fix the compensation of the~~
41 ~~director. The director shall fix the compensation of the employees of~~
42 ~~the state library with the approval of the board and the state budget~~

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agency.

SECTION 39. IC 4-23-7.1-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 39. (a) The Indiana state library advisory council is established for the purpose of advising ~~the board and~~ the state librarian concerning:

- (1) general policies of the **Indiana** state library;
- (2) plans or programs for library development and interlibrary cooperation;
- (3) library research;
- (4) professional development for librarians;
- (5) standards and rules for library services;
- (6) administration and distribution of state and federal funds; and
- (7) other matters as requested by the board and the state librarian.

(b) The advisory council consists of ~~no fewer than~~ **at least** fifteen (15) members.

(c) The membership of the council must be broadly representative and comply with the requirements established by the federal Department of Education under 34 ~~C.F.R.~~ **CFR** 770.

(d) The board shall appoint the members of the council with nominations for appointment from library organizations and the state librarian.

(e) Members of the advisory council shall serve two (2) year terms.

(f) A member of the advisory council is not entitled to:

- (1) the minimum salary per diem provided by IC 4-10-11-2.1(b); or
- (2) reimbursement from state funds for traveling expenses and other expenses actually incurred in connection with the member's duties.

SECTION 40. IC 4-23-7.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter:

(1) "Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.

(2) "Board" means the ~~Indiana~~ library and historical **advisory** board established by ~~IC 4-23-7-2~~ **IC 4-23-7-1**.

(~~3~~) **"Department"** means the ~~Indiana library and historical department~~ established by ~~IC 4-23-7-1~~.

(~~4~~) **(3) "Director"** means ~~the~~ director of the Indiana historical bureau.

(~~5~~) **(4) "Historical bureau"** means the Indiana historical bureau established by ~~IC 4-23-7-3~~ **within the department of Indiana**

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1 **heritage and cultural resources by IC 4-34.1-2-2(4).**

2 ~~(6)~~ (5) "Library" means the Indiana state library established by
3 ~~IC 4-23-7-3. within the department of Indiana heritage and cultural~~
4 **resources by IC 4-34.1-2-2(6).**

5 SECTION 41. IC 4-23-7.2-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The historical bureau
7 may compile and publish digests, reports, and bulletins of purely
8 informational or statistical character on any question which the board
9 may deem to be of interest or value to the people of the state. Any
10 expenses which may be incurred in the publication of any such digest,
11 report, or bulletin shall be defrayed out of the funds which may be
12 appropriated for the use of the department **of Indiana heritage and**
13 **cultural resources** or the historical bureau.

14 SECTION 42. IC 4-23-7.2-4 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The historical bureau
16 may cooperate with any of the educational institutions of the state or
17 other institutions, organizations, or individuals for the purpose of
18 meeting its responsibilities in any manner and to any extent which may
19 be approved by the ~~board~~ **director.**

20 SECTION 43. IC 4-23-7.2-5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. All expenses
22 incurred in the preparation, compilation, printing, binding, and
23 publication of the volumes of source and other historical material
24 issued by the historical bureau shall be defrayed out of funds at the
25 disposal of the bureau which may be appropriated by law for that
26 purpose, and shall be printed by the commission on public records
27 **established within the department of Indiana heritage and cultural**
28 **resources by IC 4-34.1-2-2(5),** and under the terms of any contract
29 which the state may have executed and entered into for public printing,
30 and under the direction and supervision of the historical bureau.

31 SECTION 44. IC 4-23-7.2-6 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. One (1) copy of each
33 publication issued by the historical bureau shall be furnished to each
34 public library in the state, and the board may furnish copies free of
35 charge to such other persons, institutions, or departments as in its
36 judgment may be entitled thereto. The copies so remaining shall be
37 sold by the bureau at a price which shall be fixed by the ~~board~~
38 **director.**

39 SECTION 45. IC 4-23-7.2-8 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The governors'
41 portraits collection is placed in the custody of the Indiana historical
42 bureau. The collection shall be permanently displayed in public areas

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of the state house under the supervision of the historical bureau, which is charged with its care and maintenance.

(b) The director shall inspect each painting in the collection annually in the company of one (1) or more experts in the field of art conservation selected by the director.

(c) After the inauguration of each governor, the director, with the concurrence of the governor, shall select and commission an artist to paint the governor's portrait. The portrait must be hung in the permanent collection immediately following the completion and acceptance of the portrait by the director and the governor.

(d) The historical bureau shall include in its budget requests the amount it deems necessary to provide for the proper care, maintenance, and display of the governors' portraits collection, and the amount necessary to commission the painting of an oil portrait of each governor for the collection. The historical bureau may use appropriated funds or any other funds provided for these purposes.

(e) The director, in discharging the duties under this section, shall use the appropriate cultural and technical resources of the state, including the department of ~~natural~~ **Indiana heritage and cultural** resources and the Indiana department of administration.

SECTION 46. IC 4-23-7.2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The historical bureau shall establish the Indiana historical marker program for marking historical sites in Indiana. As a part of this program, the historical bureau shall fix a state format for historical markers. No person may erect an historical marker in the state format without the approval of the historical bureau. All historical markers in the state format shall be provided by the historical bureau using appropriated funds, local matching funds, donations, grants, or any other funds provided for that purpose according to the guidelines and rules of the historical marker program.

(b) The ~~board~~ **director** may appoint a historical marker advisory committee to serve without compensation. The committee may advise the board and the director concerning the following:

- (1) Guidelines and rules for the historical marker program.
- (2) Appropriate sites to be marked.
- (3) Other matters concerning the historical marker program as requested by ~~the board~~ **the director** or the director.

(c) Historical markers approved under this section become the property of the state. Maintenance of state historical markers is part of the historical marker program. The historical bureau may cooperate with individuals, local and state agencies, and private institutions and

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1 organizations for the maintenance of the historical markers. Funds
 2 made available to the historical marker program, as approved by the
 3 ~~board;~~ **director**, may be used for necessary maintenance.

4 (d) No historical marker may be erected on a highway of the state
 5 highway system without the approval of the historical bureau as to its
 6 historical accuracy. This provision is in addition to any other
 7 requirement of law.

8 SECTION 47. IC 4-23-7.2-14 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The ~~board~~ **director**
 10 may ~~promulgate~~ **adopt** rules under IC 4-22-2 to carry out the
 11 provisions and purpose of this chapter.

12 SECTION 48. IC 4-23-7.2-15 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The historical
 14 bureau shall be organized in such manner as determined by the director
 15 with the ~~approval~~ **advice** of the board. The duties of the historical
 16 bureau established by law may be supplemented by the board
 17 according to its discretion.

18 SECTION 49. IC 4-23-7.2-16 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. ~~(a) The board shall~~
 20 ~~appoint a director to be the chief administrative officer of the historical~~
 21 ~~bureau.~~

22 ~~(b)~~ To qualify for the position of director, a person must:

- 23 (1) be a graduate of a college or university of recognized
- 24 standing;
- 25 (2) have had special training in the nature, relative value, and use
- 26 of historical source material;
- 27 (3) have had special training in the editing of historical
- 28 publications; and
- 29 (4) possess such other qualifications as the board, in its discretion,
- 30 may deem necessary.

31 ~~(c) The director may be removed by the board at any time for cause.~~

32 SECTION 50. IC 4-23-7.2-17 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. ~~(a) All historical~~
 34 ~~bureau employees, except the director, shall be selected by the director~~
 35 ~~with the approval of the board and may be removed by the director for~~
 36 ~~cause at any time with the approval of the board.~~

37 ~~(b) Any or all of the~~ Historical bureau employees must have had
 38 such academic preparation and special training for the work which they
 39 are required to perform as may be prescribed in rules promulgated by
 40 the board.

41 ~~(c) The board may provide that appointments may be made only~~
 42 ~~after the applicant has successfully passed an examination given by the~~

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board or some person designated by the board.

(d) The state budget agency shall fix the compensation of the director. The director shall fix the compensation of the employees of the historical bureau, with the approval of the board and the state budget agency.

(e) No employee of the historical bureau may directly or indirectly solicit subscription or contribution for any political party or political purpose, or be forced in any way to make such contribution, or be required to participate in any form of political activity.

(f) ~~All historical bureau employees are under IC 4-15-2.~~

SECTION 51. IC 4-23-7.2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. The ~~board~~ **director** may appoint an advisory committee of not to exceed nine (9) members, who shall consult and advise with the director of the historical bureau concerning the publication of historical material, the promotion of the interest of the historical societies of Indiana, and in the conduct of the historical work of the state generally. The **advisory** committee ~~so appointed~~ shall serve without compensation.

SECTION 52. IC 4-23-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. Express power and authority is hereby given to the Indiana **state** library and **the Indiana** historical ~~board~~ **bureau** to accept gifts, bequests, and devises of personal and real property for the maintenance, use or benefit of the Indiana **state** library and **the Indiana** historical ~~department~~ **bureau**, respectively.

SECTION 53. IC 4-23-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. ~~Said~~ **The** Indiana **state** library and **the Indiana** historical ~~board~~ **bureau** may accept such gifts, bequests, and devises as provided in section 1 ~~hereof~~, **of this chapter** with such terms and conditions and with such obligations, liabilities, and burdens as are imposed thereon when, in the judgment of ~~said board~~ **the bureau** and with the approval of the ~~governor~~ **commissioner of the department of Indiana heritage and cultural resources**, it ~~shall be~~ **is** determined that it is for the best interest of ~~said department~~ **the Indiana state library or the Indiana historical bureau** to do so. ~~Provided~~, However, ~~That no~~ **an** obligation, liability, or burden ~~shall~~ **may not** be assumed on account thereof in excess of appropriations made by law and applicable to the payment of such obligations, liabilities, and burdens.

SECTION 54. IC 4-23-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. Any law to the contrary notwithstanding, any gift, bequest, or devise received by ~~said~~

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1 ~~the Indiana state library and or Indiana historical board, shall bureau~~
 2 ~~is not be~~ required to be covered into the general fund, but shall be
 3 administered by ~~said board~~ **the Indiana state library or the Indiana**
 4 **historical bureau** according to the terms of said gift, bequest, or
 5 devise.

6 SECTION 55. IC 4-23-9-1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The annual reports
 8 of the meetings of the Indiana Academy of Science, beginning with the
 9 report for the year 1894, including all papers of scientific or economic
 10 value presented at such meetings, after they shall have been edited and
 11 prepared for publication, shall be published by the commission on
 12 public records **established within the department of Indiana**
 13 **heritage and cultural resources by IC 4-34.1-2-2(5).**

14 SECTION 56. IC 4-23-9-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The reports shall be
 16 edited and prepared for publication without expense to the state, by a
 17 corps of editors to be selected and appointed by the Indiana Academy
 18 of Science, who shall not, by reason of such services, have any claim
 19 against the state for compensation. The form, style of binding, paper,
 20 typography and manner and extent of illustration of the reports shall be
 21 determined by the editors, subject to the approval of the commission on
 22 public records **established within the department of Indiana**
 23 **heritage and cultural resources by IC 4-34.1-2-2(5).** Not less than
 24 fifteen hundred (1,500) nor more than three thousand (3,000) copies of
 25 each of said reports shall be published, the size of the edition to be
 26 determined by the concurrent action of the editors and the commission
 27 on public records.

28 SECTION 57. IC 4-34-3-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Money in the
 30 fund shall be allocated annually to libraries, including the INSPIRE
 31 project.

32 (b) The Indiana ~~state library and historical board~~ established by
 33 ~~IC 4-23-7-2~~ **IC 4-34.1-2-2(6)** and the budget agency may jointly make
 34 rules necessary or appropriate to the administration of this chapter.

35 (c) Each library in Indiana is entitled in each calendar year to apply
 36 to the Indiana ~~state library and historical board~~ for a grant for a
 37 technology project. From time to time, but not more often than
 38 semiannually, the Indiana ~~state library and historical board~~ shall make
 39 recommendations to the budget agency as to grants from the Indiana
 40 technology fund. After review by the budget committee established by
 41 IC 4-12-1-3 and approval by the governor, the budget agency may allot
 42 money to the Indiana ~~state library and historical board~~ for the grants.

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SECTION 58. IC 4-13-12.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. As used in this chapter, "society" refers to the Indiana ~~historical society established under IC 23-6-3.~~ **Historical Society, which was originally incorporated by Special Acts 1831, c.34.**

SECTION 59. IC 4-13-12.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The department may enter into a lease with the society for the ~~society's~~ use of any part of the building, exterior improvements, and surrounding site.

(b) Notwithstanding the term limitation for a lease under IC 4-13-1-4(10), the department may enter into a lease under subsection (a) for a term of not more than ninety-nine (99) years.

(c) Rent under a lease entered into under this section is one dollar (\$1) each year, payable in advance.

(d) A lease entered into under this section must require the department to provide, at no cost to the society, the following services in relation to the building, the exterior improvements, and the surrounding site:

- (1) Management.
- (2) Maintenance.
- (3) Operation.
- (4) Utilities (other than telephone services).
- (5) Other services reasonably necessary to maintain the building, exterior improvements, and the surrounding site.

(e) A lease entered into under this section must provide that the lease terminates if the society or its successor vacates the building.

(f) A lease entered into under this section may permit the building to house state activities or functions.

SECTION 60. IC 4-13-12.1-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 13. (a) The legislative services agency shall deliver to the society one (1) copy of the Indiana Code, the Acts of Indiana, and the journals of the senate and house of representatives for each year beginning in 2009.**

(b) The secretary of state shall deliver to the society all books, articles, and other documents that the secretary of state's office is holding on behalf of the society.

SECTION 61. IC 4-34.1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

ARTICLE 34.1. DEPARTMENT OF INDIANA HERITAGE AND CULTURAL RESOURCES

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Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Commissioner" refers to the commissioner of the department appointed under IC 4-34.1-3-2.

Sec. 3. "Department" refers to the department of Indiana heritage and cultural resources established by IC 4-34.1-2-1.

Sec. 4. "Fund" for purposes of IC 4-34.1-2-5, refers to the Indiana heritage and cultural resources fund.

Sec. 5. (a) "Heritage" means all past, present, and future manifestations in Indiana of:

- (1) Indiana history and folklore;**
- (2) Indiana architecture, engineering, landscape design, and planning;**
- (3) physical features created or shaped by human hands that have value and meaning to the people of Indiana;**
- (4) surviving remains of prehistoric and historic culture; and**
- (5) cultural resources, including art, music, cuisine, literature, and humanities.**

(b) The term includes manifestations that are:

- (1) tangible or intangible;**
- (2) in handwritten, printed, audiovisual, oral, or electronic form;**
- (3) designed and constructed or accrued over the passage of time; and**
- (4) located above or below ground.**

Chapter 2. Establishment of Department of Indiana Heritage and Cultural Resources; Indiana Heritage and Cultural Resources Fund

Sec. 1. The department of Indiana heritage and cultural resources is established.

Sec. 2. The following are established within the department:

- (1) The office of the commissioner (IC 4-34.1-3).**
- (2) The division of historical preservation and archeology (IC 14-21).**
- (3) The division of state museums and historic sites (IC 14-20).**
- (4) The Indiana historical bureau (IC 4-23-7).**
- (5) The commission on public records (IC 5-15-5.1).**
- (6) The Indiana state library (IC 4-23-7).**
- (7) The Wabash River heritage corridor commission (IC 14-13-6).**
- (8) The state house tour office.**

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(9) The historic bridge marketing program.

Sec. 3. The purpose of the department is to:

(1) promote and facilitate the preservation, enhancement, enjoyment, and educational interpretation of the varied forms of heritage; and

(2) perform other educational functions.

Sec. 4. (a) The department may accept gifts, bequests, and devises of personal and real property for the maintenance, use, or benefit of the department under terms and conditions and with obligations, liabilities, and burdens that the commissioner believes are in the best interest of the department.

(b) The department may not assume any obligation, liability, or burden that exceeds appropriations made by law for the payment of such obligations, liabilities, and burdens.

Sec. 5. (a) The Indiana heritage and cultural resources fund is established to provide money for the department to carry out the duties of the department. The department shall administer the fund.

(b) The fund consists of the following:

(1) Appropriations to the department.

(2) Assets transferred to the department under a statute providing for the transfer of all or part of the powers and duties of another agency to the department.

(3) The proceeds from the sale of items by the department as directed by law.

(4) Gifts of money or the proceeds from the sale of gifts donated to the department.

(5) Investment earnings from any part of the fund.

(c) Subject to the approval of the budget agency, the department may establish additional accounts or combine existing accounts as necessary to carry out the duties of the department.

Sec. 6. The governor shall, with the recommendation of the commissioner, appoint the director of each division, bureau, or other agency established within the department.

Sec. 7. Except for the salary and compensation of the commissioner, the salaries and compensation of the directors appointed under section 6 of this chapter shall be fixed by the commissioner and approved by the budget agency as provided in IC 4-12-1-13.

Sec. 8. Each director appointed under section 6 of this chapter shall:

(1) with the approval of the commissioner and in the manner

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provided by IC 4-15-2, appoint the employees that are hired within the director's division; and

(2) fix the employees' compensation, subject to the approval of the budget agency under IC 4-12-1-13.

An employee may be removed by the director for cause at any time with the approval of the commissioner.

Sec. 9. (a) The commissioner shall:

(1) enter into an agreement with another state agency to provide; or

(2) appoint; administrative law judges for the department.

(b) A person who is not an administrative law judge under subsection (a) may not act as an administrative law judge under this article.

(c) An administrative law judge is subject to IC 4-15-2.

(d) The commissioner may create a division of hearings to assist in performing the functions of this section.

Sec. 10. (a) As used in this section, "heritage and cultural agency" refers to a division, bureau, or other agency established within the department under IC 4-34.1-2-2. The term includes any board or commission that is within a heritage and cultural agency.

(b) The rules adopted before July 1, 2009, concerning a heritage and cultural agency shall be treated, after June 30, 2009, as rules of the department.

(c) On July 1, 2009, all powers, duties, property, assets, and liabilities of a heritage and cultural agency are transferred to the department of Indiana heritage and cultural resources established by this article as the successor agency.

(d) On July 1, 2009, all powers, duties, assets, and liabilities that are attributable to a heritage and cultural agency are transferred to the department.

(e) After June 30, 2009, any reference to:

(1) a heritage and cultural agency in a statute or rule concerning the heritage and cultural agency shall be treated as a reference to the department of Indiana heritage and cultural resources;

(2) a heritage and cultural agency in a statute or rule shall be treated as a reference to the department of Indiana heritage and cultural resources; and

(3) the director of a heritage and cultural agency in a statute or rule shall be treated as a reference to the commissioner of the department of Indiana heritage and cultural resources.

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(f) The transfers made under this section from a heritage and cultural agency to the department do not affect:

- (1) any rights or liabilities accrued;
- (2) any penalties incurred;
- (3) any violations committed;
- (4) any proceedings begun;
- (5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;
- (6) any tax levies made or authorized;
- (7) any funds established;
- (8) any patents issued;
- (9) the validity, continuation, or termination of any contracts, easements, or leases executed;
- (10) the validity, continuation, expiration, scope, termination, suspension, or revocation of:
 - (A) permits;
 - (B) licenses;
 - (C) certificates of registration;
 - (D) grants of authority; or
 - (E) limitations of authority;

before July 1, 2009 Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall continue to be imposed and enforced.

Chapter 3. Office of the Commissioner of the Department

Sec. 1. The office of the commissioner of the department is established.

Sec. 2. The governor shall appoint the commissioner, who serves at the pleasure of the governor. The commissioner is the executive and chief administrative officer of the department.

Sec. 3. The commissioner is entitled to compensation in an amount to be fixed by the budget agency with the approval of the governor.

Sec. 4. The commissioner shall supervise the work of the department.

Sec. 5. The commissioner may adopt rules under IC 4-22-2 that are necessary to administer the department and the duties of the commissioner.

SECTION 62. IC 5-15-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Any officer,

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office, court, commission, board, institution, department, agent, or employee of the state, county, or any political subdivision being charged with the duty or authorized or required by law to record, preserve, keep, maintain, or file any record, document, plat, paper or instrument-in-writing, may, whenever any such officer, office, court, commission, board, institution, department, agent, or employee of the state, county, or any political subdivision shall deem it necessary, for the purpose of recording or copying same, preserving and protecting same, reducing space required for storage or filing of same, or any similar purpose, have or cause to have any or all such records recorded, copied, or reproduced by any photostatic, photographic, micrographic, electronic, or other process which correctly and accurately copies or reproduces, recreates, or forms a medium of copying or reproducing the original record, document, plat, paper, or instrument-in-writing. Any officer, office, court, commission, board, institution, department, agent, or employee of the state may have or cause to have records recorded, copied, or reproduced under this subsection by any optical imaging process that correctly and accurately copies or reproduces, recreates, or forms a medium of copying or reproducing the original record, document, plat, paper, or instrument-in-writing.

(b) The original filing record may be destroyed if:

(1) the record has been copied or is capable of being reproduced or recreated under subsection (a); and

(2) the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**, as to state records, or the commission of public records of the respective county, as to records of counties and other local units of government, has decided to destroy the original record.

(c) Copies, recreations, or reproductions made under subsection (a):

(1) shall have the same force and effect at law as the original record destroyed under subsection (b); and

(2) shall be received as evidence in any court where the original record could have been so introduced;

if the recreations, copies, or reproductions are properly certified as to authenticity and accuracy by a duly constituted official custodian of such records.

(d) All micrographics processes done under this chapter shall comply with the quality standards developed under IC 5-15-5.1-8.

(e) This section does not apply to the state court administration division of the supreme court.

SECTION 63. IC 5-15-5.1-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter:

"Commission" means the commission on public records ~~created by this chapter~~ **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5).**

"Record" means all documentation of the informational, communicative or decisionmaking processes of state government, its agencies and subdivisions made or received by any agency of state government or its employees in connection with the transaction of public business or government functions, which documentation is created, received, retained, maintained, or filed by that agency or its successors as evidence of its activities or because of the informational value of the data in the documentation, and which is generated on:

- (1) paper or paper substitutes;
- (2) photographic or chemically based media;
- (3) magnetic or machine readable media; or
- (4) any other materials, regardless of form or characteristics.

"Nonrecord materials" means all identical copies of forms, records, reference books, and exhibit materials which are made, or acquired, and preserved solely for reference use, exhibition purposes, or publication and which are not included within the definition of record.

"Personal records" means:

- (1) all documentary materials of a private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of a public official, including: diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting government business; or
- (2) materials relating to private political associations, and having no relation to or effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of a public official and are not deemed public records.

"Form" means every piece of paper, transparent plate, or film containing information, printed, generated, or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving the state.

"Agency" means any state office, department, division, board, bureau, commission, authority, or other separate unit of state government established by the constitution, law, or by executive or legislative order.

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"Public official" means an individual holding a state office created by the Constitution of Indiana, by act or resolution of the general assembly, or by the governor; all officers of the executive and administrative branch of state government; and all other officers, heads, presidents, or chairmen of agencies of state government.

"Indiana state archives" means the program maintained by the commission for the preservation of those records and other government papers that have been determined by the commission to have sufficient permanent values to warrant their continued preservation by the state.

"Forms management" means the program maintained by the commission to provide continuity of forms design procedures from the form's origin up to its completion as a record by determining the form's size, style and size of type; format; type of construction; number of plies; quality, weight and type of paper and carbon; and by determining the use of the form for data entry as well as the distribution.

"Information management" means the program maintained by the commission for the application of management techniques to the purchase, creation, utilization, maintenance, retention, preservation, and disposal of forms and records undertaken to improve efficiency and reduce costs of recordkeeping; including management of filing and microfilming equipment and supplies, filing and information retrieval systems, files, correspondence, reports and forms management, historical documentation, micrographic retention programming, and critical records protection.

"Records center" means a program maintained by the commission primarily for the storage, processing, retrieving, servicing, and security of government records that must be retained for varying periods of time but should not be maintained in an agency's office equipment or space.

"Critical records" means records necessary to resume or continue governmental operations, the reestablishing of the legal and financial responsibilities of government in the state, or to protect and fulfill governmental obligations to the citizens of the state.

"Retention schedule" means a set of instructions prescribing how long, where, and in what form a record series shall be kept.

"Records series" means documents or records that are filed in a unified arrangement, and having similar physical characteristics or relating to a similar function or activity.

"Records coordinator" means a person designated by an agency to serve as an information liaison person between the agency and the commission.

SECTION 64. IC 5-15-5.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. ~~There is created~~ The

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commission on public records ~~to established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)~~ shall administer this chapter for the administrative and executive branches of state government. The commission shall adopt a seal which shall be the seal of the state of Indiana. The commission shall offer its services to the legislative and judicial branches of state government.

SECTION 65. IC 5-15-5.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. ~~(a)~~ **Subject to the approval of the governor, the commissioner of the department of Indiana heritage and cultural resources** shall appoint a director as the executive head of the commission. The director must be versed in the principles of information and forms management, archives, and the affairs and organization of state government. The director shall serve a term of four (4) years. However, the director may be removed for cause by the governor. It is the intent of the general assembly that the director be a person who is qualified by training and experience to administer the affairs of the commission and that the director's tenure of office is limited only by the director's ability and the proper performance of the director's duties.

~~(b) The director, subject to the approval of the governor and the budget agency, shall appoint such staff as necessary to implement this chapter.~~

~~(c) The salary of the director is subject to the approval of the governor and the budget agency. Salaries of the staff are subject to the approval of the state personnel department and the budget agency. The provisions of IC 4-15-2 apply to the staff of the commission.~~

SECTION 66. IC 5-15-5.1-18, AS AMENDED BY P.L.177-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) The oversight committee on public records consists ex officio of:

- (1) the governor or the governor's designee;
- (2) the secretary of state or the secretary's designee;
- (3) the state examiner of the state board of accounts or the state examiner's designee;
- (4) the director of the state library;
- (5) the director of the historical bureau;
- (6) the director of the commission on public records;
- (7) the commissioner of the department of administration or the commissioner's designee;
- (8) the public access counselor; and
- (9) the chief information officer of the office of technology appointed under IC 4-13.1-2-3 or the chief information officer's

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1 designee.

2 (b) The oversight committee also consists of two (2) lay members
3 appointed by the governor for a term of four (4) years. One (1) lay
4 member shall be a professional journalist or be a member of an
5 association related to journalism.

6 (c) The oversight committee shall elect one (1) of its members to be
7 chairman. The director of the commission on public records shall be
8 the secretary of the committee. The ex officio members of the oversight
9 committee shall serve without compensation and shall receive no
10 reimbursement for any expense which they may incur. Each lay
11 member is entitled to reimbursement for traveling and other expenses
12 as provided in the state travel policies and procedures, established by
13 the department of administration and approved by the budget agency
14 and each lay member is entitled to the minimum salary per diem as
15 provided in IC 4-10-11-2.1(b).

16 SECTION 67. IC 5-15-5.1-19 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) It is the duty of
18 the oversight committee to:

19 (1) function as the ~~policy making~~ **advisory** body for the
20 commission; and

21 (2) ~~determine~~ **recommend** what records have no apparent official
22 value but should be preserved for research or other purposes.

23 (b) The oversight committee shall maintain a master list of all
24 record series that are classified as confidential by statute or rule.

25 (c) The oversight committee ~~has final~~ **shall recommend** approval
26 of all record retention schedules.

27 (d) The oversight committee ~~has final approval of~~ **shall recommend**
28 a fee schedule established by the commission under section 5(a)(16) of
29 this chapter.

30 SECTION 68. IC 5-15-5.1-20 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) The oversight
32 committee shall:

33 (1) ~~establish~~ **recommend** standards for safeguarding personal
34 information systems ~~that shall to~~ be followed by agencies
35 maintaining such systems;

36 (2) ~~approve~~ **recommend** the content of all forms that involve
37 confidential records; and

38 (3) ~~require~~ **recommend the** use of archival quality paper for
39 records that the commission determines should be preserved
40 indefinitely.

41 (b) The oversight committee ~~may adopt~~ **may recommend the**
42 **adoption of** rules under IC 4-22-2 necessary for the performance of its

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1 **the commission's** duties, consistent with this chapter and other
2 applicable Indiana laws.

3 SECTION 69. IC 5-15-6-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) It shall be the
5 duty of the county commission to determine the following:

6 (1) Which public records, if any, are no longer of official or
7 historical value.

8 (2) Which public records are of current official value and should
9 be retained in the office where they are required to be filed.

10 (3) Which public records are of official value but are consulted
11 and used so infrequently that they are no longer of appreciable
12 value to the officer with whom they are required to be filed.

13 (4) Which public records are of no apparent official value but
14 which do have historical value.

15 (b) The county commission may request the assistance of the
16 commission on public records established ~~under IC 5-15-5.1~~ **within the**
17 **department of Indiana heritage and cultural resources by**
18 **IC 4-34.1-2-2(5)** in developing records management programs.

19 SECTION 70. IC 5-22-22-1, AS AMENDED BY P.L.188-2007,
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2009]: Sec. 1. (a) This chapter applies only to personal
22 property owned by a governmental body.

23 (b) This chapter does not apply to dispositions of property described
24 in any of the following:

25 (1) IC 5-22-21-1(b).

26 (2) IC 36-1-11-5.5.

27 (3) IC 36-1-11-5.7.

28 (c) This chapter does not apply to any of the following:

29 (1) The disposal of property under an urban homesteading
30 program under IC 36-7-17.

31 (2) The lease of school buildings under IC 20-47.

32 (3) The sale of land to a lessor in a lease-purchase contract under
33 IC 36-1-10.

34 (4) The disposal of property by a redevelopment commission
35 established under IC 36-7.

36 (5) The leasing of property by a board of aviation commissioners
37 established under IC 8-22-2 or an airport authority established
38 under IC 8-22-3.

39 (6) The disposal of a municipally owned utility under IC 8-1.5.

40 (7) The sale or lease of property by a unit (as defined in
41 IC 36-1-2-23) to an Indiana nonprofit corporation organized for
42 educational, literary, scientific, religious, or charitable purposes

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that is exempt from federal income taxation under Section 501 of the Internal Revenue Code or the sale or reletting of that property by the nonprofit corporation.

(8) The disposal of surplus property by a hospital established and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.

(9) The sale or lease of property acquired under IC 36-7-13 for industrial development.

(10) The sale, lease, or disposal of property by a local hospital authority under IC 5-1-4.

(11) The sale or other disposition of property by a county or municipality to finance housing under IC 5-20-2.

(12) The disposition of property by a soil and water conservation district under IC 14-32.

(13) The disposal of surplus property by the health and hospital corporation established and operated under IC 16-22-8.

(14) The disposal of personal property by a library board under IC 36-12-3-5(c).

(15) The sale or disposal of property by the historic preservation commission under IC 36-7-11.1.

(16) The disposal of an interest in property by a housing authority under IC 36-7-18.

(17) The disposal of property under IC 36-9-37-26.

(18) The disposal of property used for park purposes under IC 36-10-7-8.

(19) The disposal of textbooks that will no longer be used by school corporations under IC 20-26-12.

(20) The disposal of residential structures or improvements by a municipal corporation without consideration to:

(A) a governmental body; or

(B) a nonprofit corporation that is organized to expand the supply or sustain the existing supply of good quality, affordable housing for residents of Indiana having low or moderate incomes.

(21) The disposal of historic property without consideration to a nonprofit corporation whose charter or articles of incorporation allows the corporation to take action for the preservation of historic property. As used in this subdivision, "historic property" means property that is:

(A) listed on the National Register of Historic Places; or

(B) eligible for listing on the National Register of Historic Places, as determined by the division of historic preservation

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- 1 and archeology ~~of established within~~ the department of
 2 ~~natural~~ **Indiana heritage and cultural** resources by
 3 **IC 4-34.1-2-2(2).**
- 4 (22) The disposal of real property without consideration to:
 5 (A) a governmental body; or
 6 (B) a nonprofit corporation that exists for the primary purpose
 7 of enhancing the environment;
 8 when the property is to be used for compliance with a permit or
 9 an order issued by a federal or state regulatory agency to mitigate
 10 an adverse environmental impact.
- 11 (23) The disposal of property to a person under an agreement
 12 between the person and a governmental body under IC 5-23.
- 13 SECTION 71. IC 5-28-13-5, AS ADDED BY P.L.4-2005,
 14 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2009]: Sec. 5. The center shall establish an information file on
 16 all state agency permit requirements that affect business activities in
 17 Indiana. The center shall:
- 18 (1) develop methods for maintaining, updating, and providing
 19 ready access to the information file;
 20 (2) use the information file to provide comprehensive information
 21 concerning permit requirements affecting business activities; and
 22 (3) use the information file to provide the commission on public
 23 records **established within the department of Indiana heritage**
 24 **and cultural resources by IC 4-34.1-2-2(5)** with information
 25 that will enable the commission to consolidate, simplify, expedite,
 26 or otherwise improve permit procedures.
- 27 SECTION 72. IC 6-1.1-6.8-1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this
 29 chapter, "director" refers to the director of the division of historic
 30 preservation and archeology of the department of ~~natural~~ **Indiana**
 31 **heritage and cultural** resources.
- 32 SECTION 73. IC 6-3.1-16-2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this
 34 chapter, "division" means the division of historic preservation and
 35 archaeology ~~of established within~~ the department of ~~natural~~ **Indiana**
 36 **heritage and cultural** resources **by IC 4-34.1-2-2(2).**
- 37 SECTION 74. IC 6-3.1-22-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this
 39 chapter, "division" means the division of historic preservation and
 40 archeology ~~of established within~~ the department of ~~natural~~ **Indiana**
 41 **heritage and cultural** resources **by IC 4-34.1-2-2(2).**
- 42 SECTION 75. IC 10-18-1-10 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The commission
 2 shall employ an individual who is responsible for the care and
 3 preservation of all personal property owned by the commission that has
 4 historic significance.

5 (b) The individual employed by the commission under subsection
 6 (a) must meet the qualifications set by the division of state museums
 7 and historic sites of the department of ~~natural~~ **Indiana heritage and**
 8 **cultural** resources.

9 SECTION 76. IC 13-14-1-11.5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11.5. (a) If the
 11 department proposes to utilize a policy or statement that:

- 12 (1) interprets, supplements, or implements a statute or rule;
- 13 (2) has not been adopted in compliance with IC 4-22-2;
- 14 (3) is not intended by the department to have the effect of law;
- 15 and
- 16 (4) is not related solely to internal department organization;

17 the proposed policy or statement may not be put into effect until the
 18 requirements of subsection (b) have been met.

19 (b) The department shall present the proposed policy or statement
 20 under subsection (a) to the appropriate board. At least forty-five (45)
 21 days before the presentation, the department shall make available to the
 22 public, including posting on the department's web site:

- 23 (1) the proposed policy or statement;
- 24 (2) information on the availability for public inspection of all
- 25 materials relied upon by the department in the development of the
- 26 proposed policy or statement, including, if applicable:
- 27 (A) health criteria;
- 28 (B) analytical methods;
- 29 (C) treatment technology;
- 30 (D) economic impact data;
- 31 (E) environmental assessment data; and
- 32 (F) other background data;

33 (3) the date, time, and location of the presentation under this
 34 subsection to the appropriate board; and

35 (4) information regarding the opportunity for a person to comment
 36 to the department and the appropriate board on the proposed
 37 policy or statement before or at the time of the presentation under
 38 this subsection.

39 The department shall provide to the appropriate board at the time of the
 40 presentation under this subsection a copy of all comments made by a
 41 person under subdivision (4). The proposed policy or statement may
 42 not be put into effect until thirty (30) days after the policy or statement

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is presented to the appropriate board.

(c) If the department utilizes a policy or statement described in subsection (a), the department shall distribute:

- (1) two (2) copies of the policy or statement to the publisher of the Indiana Register for publication in the Indiana Register; and
- (2) the copies required under IC 4-23-7.1-26 to the Indiana **state** library. ~~and historical department.~~

(d) The department shall:

- (1) maintain a current list of all department policies and statements described in subsection (a) that the department may use in the department's external affairs; and
- (2) update the list at least one (1) time each month.

(e) The department shall include the following information on the list described in subsection (d) for each policy or statement:

- (1) The title of the policy or statement.
- (2) The identification number of the policy or statement.
- (3) The date the policy or statement was originally adopted.
- (4) The date the policy or statement was last revised.
- (5) A reference to all other policies or statements described in subsection (a) that are repealed or amended by the policy or statement.
- (6) A brief description of the subject matter of the policy or statement.

(f) At least one (1) time every three (3) months, the department shall distribute two (2) copies of the list maintained and updated under subsection (d) to the following:

- (1) The publisher of the Indiana Register.
- (2) The Indiana **state** library. ~~and historical department.~~

SECTION 77. IC 14-8-2-48.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 48.5. "Commissioner", for purposes of IC 14-13-6, IC 14-20, and IC 14-21, refers to the commissioner of the department of Indiana heritage and cultural resources established by IC 4-34.1-2-1.**

SECTION 78. IC 14-8-2-67, AS AMENDED BY P.L.120-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 67. (a) "Department", except ~~for purposes of IC 14-32,~~ **as provided in subsections (b) and (c),** refers to the department of natural resources.

(b) "Department", **for purposes of IC 14-20-1, refers to the department of Indiana heritage and cultural resources established by IC 4-34.1-2-1.**

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(b) (c) "Department" for purposes of IC 14-32, refers to the Indiana state department of agriculture established by IC 15-11-2-1.

SECTION 79. IC 14-8-2-77, AS AMENDED BY P.L.120-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 77. "Division" has the following meaning:

(1) For purposes of IC 14-9-8, the meaning set forth in IC 14-9-8-2.

(2) For purposes of ~~IC 14-20-1~~ **IC 14-20**, the meaning set forth in IC 14-20-1-2.

(3) For purposes of IC 14-21, the division of historic preservation and archeology **of the department of Indiana heritage and cultural resources.**

(4) For purposes of IC 14-22, the division of fish and wildlife.

(5) For purposes of IC 14-24, the division of entomology and plant pathology.

(6) For purposes of IC 14-25.5, the division of water.

(7) For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-4.

(8) For purposes of IC 14-32, the division of soil conservation of the Indiana state department of agriculture established by IC 15-11-4-1.

(9) For purposes of IC 14-37, the division of oil and gas.

SECTION 80. IC 14-8-2-107, AS AMENDED BY P.L.85-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.

(3) For purposes of IC 14-9-8-21.5, the meaning set forth in IC 14-9-8-21.5.

(4) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.

(5) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.

(6) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.

(7) For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.

(8) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.

(9) For purposes of IC 14-13-2, the meaning set forth in

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- 1 IC 14-13-2-3.
- 2 (10) For purposes of IC 14-16-1, the meaning set forth in
- 3 IC 14-16-1-30.
- 4 (11) For purposes of IC 14-19-8, the meaning set forth in
- 5 IC 14-19-8-1.
- 6 (12) For purposes of IC 14-20-1, the meaning set forth in
- 7 IC 14-20-1-3.
- 8 (13) For purposes of IC 14-20-11, the meaning set forth in
- 9 IC 14-20-11-2.
- 10 **(14) For purposes of IC 14-20-1.1, the meaning set forth in**
- 11 **IC 14-20-1.1-1.**
- 12 ~~(14)~~ (15) For purposes of IC 14-21-4, the meaning set forth in
- 13 IC 14-21-4-10.
- 14 ~~(15)~~ (16) For purposes of IC 14-22-3, the meaning set forth in
- 15 IC 14-22-3-1.
- 16 ~~(16)~~ (17) For purposes of IC 14-22-4, the meaning set forth in
- 17 IC 14-22-4-1.
- 18 ~~(17)~~ (18) For purposes of IC 14-22-5, the meaning set forth in
- 19 IC 14-22-5-1.
- 20 ~~(18)~~ (19) For purposes of IC 14-22-8, the meaning set forth in
- 21 IC 14-22-8-1.
- 22 ~~(19)~~ (20) For purposes of IC 14-22-34, the meaning set forth in
- 23 IC 14-22-34-2.
- 24 ~~(20)~~ (21) For purposes of IC 14-23-3, the meaning set forth in
- 25 IC 14-23-3-1.
- 26 ~~(21)~~ (22) For purposes of IC 14-24-4.5, the meaning set forth in
- 27 IC 14-24-4.5-2(5).
- 28 ~~(22)~~ (23) For purposes of IC 14-25-2-4, the meaning set forth in
- 29 IC 14-25-2-4.
- 30 ~~(23)~~ (24) For purposes of IC 14-25-10, the meaning set forth in
- 31 IC 14-25-10-1.
- 32 ~~(24)~~ (25) For purposes of IC 14-25-11-19, the meaning set forth
- 33 in IC 14-25-11-19.
- 34 ~~(25)~~ (26) For purposes of IC 14-25.5, the meaning set forth in
- 35 IC 14-25.5-1-3.
- 36 ~~(26)~~ (27) For purposes of IC 14-28-5, the meaning set forth in
- 37 IC 14-28-5-2.
- 38 ~~(27)~~ (28) For purposes of IC 14-31-2, the meaning set forth in
- 39 IC 14-31-2-5.
- 40 ~~(28)~~ (29) For purposes of IC 14-25-12, the meaning set forth in
- 41 IC 14-25-12-1.
- 42 ~~(29)~~ (30) For purposes of IC 14-32-8, the meaning set forth in

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IC 14-32-8-1.

~~(30)~~ **(31)** For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(31)~~ **(32)** For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(32)~~ **(33)** For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(33)~~ **(34)** For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(34)~~ **(35)** For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 81. IC 14-9-4-1, AS AMENDED BY P.L.1-2006, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The following divisions are established within the department:

- (1) Accounting.
- (2) Administrative support services.
- (3) Budget.
- (4) Engineering.
- (5) Entomology and plant pathology.
- (6) Fish and wildlife.
- (7) Forestry.
- ~~(8) Historic preservation and archeology.~~
- ~~(9)~~ **(8)** Human resources.
- ~~(10)~~ **(9)** Internal audit.
- ~~(11)~~ **(10)** Land acquisition.
- ~~(12)~~ **(11)** Law enforcement.
- ~~(13)~~ **(12)** Management information systems.
- ~~(14)~~ **(13)** Nature preserves.
- ~~(15)~~ **(14)** Oil and gas.
- ~~(16)~~ **(15)** Outdoor recreation.
- ~~(17)~~ **(16)** Public information and education.
- ~~(18)~~ **(17)** Reclamation.
- ~~(19)~~ **(18)** Reservoir management.
- ~~(20)~~ **(19)** Safety and training.
- ~~(21) State museums and historic sites.~~
- ~~(22)~~ **(20)** State parks.
- ~~(23)~~ **(21)** Water.

SECTION 82. IC 14-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to the property managers of each of the following divisions of the department:

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- (1) State parks.
- (2) Forestry.
- (3) Fish and wildlife.
- (4) Reservoir management.
- ~~(5) State museums and historic sites.~~

SECTION 83. IC 14-12-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The purpose of the Indiana heritage trust program and this chapter is to acquire real property or interests in real property that:

- (1) is an example of outstanding natural features and habitats;
- (2) has historical and archeological significance; and
- (3) provides areas for conservation, recreation, and the restoration of native biological diversity.

(b) The Indiana heritage trust program shall acquire real property for new and existing state parks, state forests, nature preserves, fish and wildlife areas, wetlands, trails, **historical and archeological sites**, and river corridors. The program shall ensure that Indiana's rich natural heritage is preserved or enhanced for succeeding generations.

(c) It is not the purpose of the Indiana heritage trust program to acquire property for resale to the federal government. However, the sale of property acquired under this chapter to the federal government is not prohibited.

SECTION 84. IC 14-12-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) The Indiana heritage trust project committee is established.

(b) The project committee consists of the following sixteen (16) members:

- (1) The director of the division of fish and wildlife.
- (2) The director of the division of forestry.
- (3) The director of the division of nature preserves.
- (4) The director of the division of state parks.
- (5) The director of the division of outdoor recreation.
- (6) The director of the division of state museums and historic sites **of the department of Indiana heritage and cultural resources.**
- (7) Ten (10) individuals appointed by the governor. The governor shall appoint individuals so that all the following are satisfied:
 - (A) The individuals must be residents of Indiana.
 - (B) The individuals must have a demonstrated interest or experience in:
 - (i) conservation of natural resources; or
 - (ii) management of public property.
 - (C) Each Indiana congressional district must be represented by

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at least one (1) individual who is a resident of that congressional district.

(D) The individuals must represent the following:

- (i) The environmentalist community.
- (ii) The academic community.
- (iii) Organized hunting and fishing groups.
- (iv) The forest products community.
- (v) The parks and recreation community.

SECTION 85. IC 14-12-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. Property acquired by the state under this chapter may be managed by any of the following:

- (1) The department.
- (2) A person with whom the department enters into a management agreement under rules adopted under section 34 of this chapter.
- (3) The department of Indiana heritage and cultural resources.**
- (4) A person with whom the department of Indiana heritage and cultural resources enters into a management agreement under rules adopted under section 34 of this chapter.**

SECTION 86. IC 14-12-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. The trust committee shall, with the assistance of the project committee, **the department of Indiana heritage and cultural resources**, and the department, adopt and make available to the public a strategic plan to implement the purposes of this chapter.

SECTION 87. IC 14-13-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The Wabash River heritage corridor commission is established **by IC 4-34.1-2-2(7) within the Indiana department of heritage and cultural resources.**

SECTION 88. IC 14-13-6-7, AS AMENDED BY P.L.229-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. The members of the commission are the following:

- (1) The ~~director commissioner~~ or the ~~director's commissioner's~~ designee.
- (2) One (1) individual appointed by the county executive of each county that:
 - (A) contains a part of the corridor; and
 - (B) chooses to support the activities of the commission by resolution adopted by the county executive.
- (3) The director of the Indiana department of transportation, or the

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director's designee, who shall serve as a nonvoting member.

(4) The director of the division of historic preservation and archaeology of the department of ~~natural~~ **Indiana heritage and cultural** resources, or the director's designee, who shall serve as a nonvoting member.

(5) The director of the department of environmental management, or the director's designee, who shall serve as a nonvoting member.

(6) The director of the office of tourism development or the director's designee, who shall serve as a nonvoting member.

(7) The president of the Indiana economic development corporation or the president's designee, who shall serve as a nonvoting member.

SECTION 89. IC 14-13-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The ~~director~~ **commissioner** may designate an individual to act on the ~~director's~~ **commissioner's** behalf under this chapter.

SECTION 90. IC 14-13-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The commission shall select a president and vice president. The ~~director~~ **commissioner** shall act as secretary of the commission.

SECTION 91. IC 14-13-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) The Wabash River heritage corridor commission fund is established for the purpose of paying:

(1) reimbursement of the expenses of members under section 13 of this chapter;

(2) other administrative costs and expenses reasonably incurred under this chapter, including expenses for publications and postage; and

(3) costs incurred in fulfilling the directives of the Wabash River heritage corridor commission master plan, including multi-county projects and marketing and educational tools such as video tape productions, signs, and promotional literature.

(b) The fund shall be administered by the ~~director~~ **commissioner** under the direction of the commission.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The sources of money for the fund are:

(1) appropriations made to the fund; and

(2) any other funds obtained by the commission under section 22 of this chapter.

(e) The treasurer of state shall invest the money in the fund not

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1 currently needed to meet the obligations of the fund in the same
 2 manner as other public funds may be invested. Interest that accrues
 3 from these investments shall be deposited in the fund.

4 (f) Money in the fund at the end of a fiscal year does not revert to
 5 the state general fund.

6 SECTION 92. IC 14-13-6-21 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. Upon request from
 8 the commission, the ~~director~~ **commissioner** shall provide the
 9 commission with reasonable administrative support services to aid in
 10 carrying out the purposes of this chapter.

11 SECTION 93. IC 14-13-6-22, AS AMENDED BY P.L.27-2005,
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2009]: Sec. 22. (a) The commission is authorized to do the
 14 following:

15 (1) Hold public hearings.

16 (2) Request the presence and participation at a commission
 17 meeting of representatives of any governmental or private entity
 18 that has an interest in natural resources, tourism, historic
 19 preservation, archaeology, or environmental issues.

20 (3) Enter into contracts, within the limit of available funds, with
 21 individuals, organizations, and institutions for services that
 22 further the purposes of this chapter.

23 (4) Enter into contracts, within the limit of available funds, with
 24 local and regional nonprofit corporations and associations for
 25 cooperative endeavors that further the purposes of this chapter.

26 (5) Enter with governmental and private entities into cooperative
 27 agreements that further the purposes of this chapter.

28 (6) Receive appropriations of federal funds.

29 (7) Accept gifts, contributions, and bequests of funds from any
 30 source.

31 (8) Apply for, receive, and disburse funds available from the state
 32 or federal government in furtherance of the purposes of this
 33 chapter, and enter into any agreements that may be required as a
 34 condition of obtaining the funds.

35 (9) Enter into any agreement and perform any act that is necessary
 36 to carrying out the duties of the commission and the purposes of
 37 this chapter.

38 (b) The following conditions apply to the handling and
 39 disbursement of any funds that the commission receives under
 40 subsection (a)(8):

41 (1) The department of **Indiana heritage and cultural resources**
 42 shall provide accounting services pertaining to the funds.

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(2) The commission may appoint an individual to act as treasurer of the commission for purposes of the handling and disbursement of the funds.

(3) All expenditures must be reviewed by the commission at a meeting of the commission.

(4) A claim against the funds may not be paid without the signature of the director or the director's designee.

SECTION 94. IC 14-20-1-1.5, AS AMENDED BY P.L.66-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) The state museum development fund is established for the purpose of promoting interest in and use of the Indiana state museum.

(b) The state museum development fund shall be administered by the department of **Indiana heritage and cultural resources** or an entity designated by the department of **Indiana heritage and cultural resources**. The state museum development fund consists of revenue generated by exhibit fees, concessions, donations, grants, and other miscellaneous revenue. Money in the state museum development fund at the end of a state fiscal year does not revert to the state general fund.

(c) The balance of the state museum development fund is continuously appropriated and may be used at the request of the department with the approval of the budget agency after review by the budget committee.

SECTION 95. IC 14-20-1-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.7. As used in this chapter, "commissioner" refers to the commissioner of the department.**

SECTION 96. IC 14-20-1-1.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.8. As used in this chapter, "department" refers to the department of Indiana heritage and cultural resources established by IC 4-34.1-2-1.**

SECTION 97. IC 14-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "division" refers to the division of state museums and historic sites **established by IC 4-34.1-2-2(3).**

SECTION 98. IC 14-20-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. The division may do the following:

(1) Undertake the action necessary to qualify the state for participation in sources of federal aid to preserve historic property, materials, items, sites, and memorials.

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(2) Provide information on historic property, materials, items, sites, and memorials within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.

(3) Advise and coordinate the activities of local historical associations, historic district commissions, historic commissions, and other interested groups or persons.

(4) Provide technical and financial assistance to local historical associations, historic district commissions, historic commissions, and other interested groups or persons.

(5) Develop a program of interpretation and publication of the state's historical, architectural, and archeological resources.

(6) Collect and preserve objects of scientific and cultural value representing past and present flora and fauna, the life and work of man, geological history, natural resources, the manufacturing arts, and fine arts.

(7) Make and execute contracts or other instruments that are necessary or convenient to exercise the division's duties and powers.

(8) Establish and collect admission charges, fees, rent, and other user fees for the following:

(A) The state museums and historic sites.

(B) Restaurants and other facilities located at the state museums or historic sites.

(C) Programs, lectures, classes, tours, and trips provided at the state museums or historic sites.

(9) Employ or contract with a person to manage or operate any aspect of the state museums or historic sites.

(10) Make and sell merchandise, including publications, reproductions, educational and craft items, and souvenirs.

(11) Pay royalties, license fees, and charges for exhibits, artifacts, artwork, and other materials.

(12) Own and enforce the division's copyrights, trademarks, and service marks.

(13) Notwithstanding IC 5-22-22, under policies adopted by the division, sell, donate, or exchange artifacts in the division's collection to or with a public or nonprofit museum or historical society.

SECTION 99. IC 14-20-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) This section applies to the negotiation and execution of a lease of historical property on which the department desires certain facilities to be provided. However, this section does not apply to a lease of historic property to:

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1 (1) a political subdivision; or
 2 (2) a state agency.
 3 (b) The department shall prepare and publicize through appropriate
 4 media a statement of intent that does the following:
 5 (1) Describes the facilities that the department desires to be
 6 provided on the historic property.
 7 (2) Sets forth a procedure for the submission of proposals by
 8 persons proposing to lease the historic property and provide the
 9 facilities.
 10 (c) A statement of intent prepared under subsection (b) must appear
 11 in at least three (3) legal advertisements at ten (10) day intervals in at
 12 least five (5) daily newspapers of wide and general circulation in
 13 Indiana.
 14 (d) During the sixty (60) days following the publication of the final
 15 legal advertisement under subsection (c), proposals may be submitted
 16 to the department in response to the statement of intent. The
 17 department shall do the following:
 18 (1) Select from the proposals submitted the one (1) proposal that
 19 the department considers most appropriate for the fulfillment of
 20 the statement of intent.
 21 (2) Submit the proposal to the trustees and the commission for
 22 approval.
 23 (e) If the proposal is approved in writing by the trustees and the
 24 ~~commission~~, **commissioner**, the department may negotiate a lease
 25 agreement with the party that submitted the proposal. After a lease
 26 agreement is entered into and set forth in writing, the department shall
 27 submit the lease agreement to the attorney general for review. A lease
 28 agreement that is:
 29 (1) negotiated;
 30 (2) executed by the authorized agents of the state and the lessee;
 31 and
 32 (3) approved by the attorney general;
 33 under this section is a binding contract between the state and the lessee.
 34 SECTION 100. IC 14-20-1-15 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The ~~director~~
 36 **commissioner** may ~~with the approval of the commission~~, adopt rules
 37 under IC 4-22-2 to administer this chapter.
 38 SECTION 101. IC 14-20-1-16, AS AMENDED BY P.L.66-2008,
 39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2009]: Sec. 16. (a) The board of trustees for the division of
 41 state museums and historic sites **of the department of Indiana**
 42 **heritage and cultural resources** is established.



(b) The trustees consist of thirteen (13) members as follows:

(1) The ~~director~~ **commissioner** of the department, who shall serve as chairman.

(2) Twelve (12) members appointed by the governor as follows:

(A) One (1) member of the Indiana State Museum Foundation, Inc., nominated by the foundation.

(B) Two (2) members must be recognized supporters of historic sites.

(C) Not more than seven (7) members may be members of the same political party.

(D) Not more than two (2) members may be from the same county.

(E) Each congressional district in Indiana must be represented by at least one (1) member.

(c) The terms of the appointed members shall be staggered.

SECTION 102. IC 14-20-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. The trustees shall do the following:

~~(1) Nominate, when the position of division director is vacant, a person to be appointed by the director to that position. If the director rejects a nominee's appointment, the trustees shall nominate another person.~~

~~(2) Recommend, when appropriate, the dismissal of a division director.~~

~~(3) Make recommendations concerning the salary ranges of the administrative, professional, and technical staff of the division.~~

~~(4) (1) Review the budget needs and requests of the division and make recommendations concerning the needs and requests to the governor through the director.~~ **commissioner.**

~~(5) (2) Recommend that the department accept or reject, hold, or dispose of grants of property to be administered by the division for the purpose of preservation, research, or interpretation of significant areas, events, or grants to citizens of Indiana for the purpose of preserving, studying, and interpreting archeological and natural phenomena, cultural trends, and accomplishments.~~

~~(6) (3) Review, guide, and assist in the development of statewide outreach programs.~~

~~(7) (4) Review, guide, and assist in the development of professionalism of the staff and operations.~~

~~(8) (5) Review, recommend, and devise methods to enable the division to do the following:~~

~~(1) (A) Increase the division's physical plant.~~

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- 1 (2) (B) Expand the educational areas.
- 2 (3) (C) Meet storage needs.
- 3 (9) (6) Develop a plan of growth to meet physical, program, and
- 4 financial needs for both the immediate and long range future,
- 5 monitor the plan at regular intervals, and ensure that the
- 6 institution stays within the developed plan.
- 7 (10) (7) Recommend policies, procedures, and practices that the
- 8 commission, the director, and the secretary shall consider.
- 9 (11) (8) Give advice or make recommendations to the governor
- 10 and the general assembly when requested or on the initiative of
- 11 the trustees.
- 12 (12) (9) Review the conduct of the work of the division. To
- 13 implement this duty, the trustees have access at any reasonable
- 14 time to copies of all records pertaining to the work of the division.
- 15 (13) (10) Adopt bylaws consistent with this chapter for the
- 16 division's internal control and management and file a copy of the
- 17 bylaws with the director.
- 18 (14) (11) Hold meetings at the times and places in Indiana that are
- 19 prescribed by the bylaws, but at least quarterly.
- 20 (15) (12) Keep minutes of the transactions of each regular and
- 21 special meeting and file the minutes with the director. The
- 22 minutes are public records.
- 23 (16) (13) Promote the welfare of the division.
- 24 (17) (14) Make recommendations concerning the administration
- 25 of the fund established by section 24 of this chapter.
- 26 SECTION 103. IC 14-20-1-23 IS AMENDED TO READ AS
- 27 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23. (a) The ~~commission~~
- 28 **commissioner** may ~~on recommendation of the trustees~~, accept or
- 29 refuse to accept an offered gift of historic property that would be
- 30 administered by the department.
- 31 (b) The ~~commission~~ **commissioner** may ~~on recommendation of the~~
- 32 ~~trustees~~, sell, lease, or exchange historic property administered by the
- 33 department under IC 4-20.5-7 or IC 5-22-22.
- 34 (c) The ~~commission~~ **commissioner** may, ~~on recommendation of the~~
- 35 ~~trustees~~ and in accordance with rules adopted by the ~~commission~~
- 36 **commissioner** under IC 4-22-2, sell, donate, or exchange artifacts in
- 37 the museum's collection to or with other public or nonprofit museums
- 38 or historical societies. However, the ~~commission~~ **commissioner** may
- 39 donate an artifact in the museum's collection to a public or nonprofit
- 40 museum or historical society under this subsection only if the museum
- 41 or historical society is located in Indiana.
- 42 (d) The ~~commission~~ **commissioner** may ~~on recommendation of the~~

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1 ~~trustees~~, adopt rules under IC 4-22-2 to establish a procedure for
 2 evaluating the merits of proposals to:

- 3 (1) accept gifts of;
 4 (2) sell; or
 5 (3) exchange;

6 artifacts or historic property.

7 SECTION 104. IC 14-20-1.1 IS ADDED TO THE INDIANA
 8 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2009]:

10 **Chapter 1.1. Historic Site Fund**

11 **Sec. 1. As used in this chapter, "fund" refers to the historic site**
 12 **fund established as a dedicated fund by section 2 of this chapter.**

13 **Sec. 2. (a) The historic site fund is established to provide funding**
 14 **for educational programs and the operation of historic sites. The**
 15 **fund shall be administered by the division of state museums and**
 16 **historic sites established within the department of Indiana heritage**
 17 **and cultural resources by IC 4-34.1-2-2(3).**

18 **(b) The expenses of administering the fund shall be paid from**
 19 **money in the fund.**

20 **(c) The treasurer of state shall invest the money in the fund not**
 21 **currently needed to meet the obligations of the fund in the same**
 22 **manner as other public money may be invested.**

23 **(d) Money in the fund at the end of a state fiscal year does not**
 24 **revert to the state general fund.**

25 **Sec. 3. Fees collected under IC 14-20-1-9 and proceeds from**
 26 **sales and leases under IC 14-20-1-23(b) shall be deposited in the**
 27 **fund.**

28 SECTION 105. IC 14-20-2-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The governor,
 30 auditor of state, and ~~director~~ **commissioner** may, on behalf of and in
 31 the name of the state, transfer and convey to the Tippecanoe County
 32 park and recreational board, Tippecanoe County, Indiana, all rights,
 33 title, and interest of the state, including maintenance and operating
 34 equipment, in the Tippecanoe Battle Ground Memorial at Battle
 35 Ground, Indiana. The grantee shall act as the agent of the general
 36 assembly in the performance of the general assembly's constitutional
 37 duty to preserve the Tippecanoe Battle Ground.

38 SECTION 106. IC 14-20-2-2 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The transfer under
 40 section 1 of this chapter is conditioned on the following:

- 41 (1) That when the recipient is in full possession, the recipient
 42 shall forevermore maintain, develop, and use the Tippecanoe

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Battle Ground Memorial, by whatever name, as a general park and recreation area dedicated to the preservation of the Tippecanoe Battle Ground.

(2) That the recipient of the property does not have the right to sell, lease, or in any way transfer the control of the property, in whole or in part, to a person, a firm, a party, or an agency of government, except for use as a general park and recreation area dedicated to the preservation of the Tippecanoe Battle Ground.

(3) That a subsequent owner, lessee, or controller of the property does not have the right to use or cause the property to be used for a purpose other than a general park and recreation area dedicated to the preservation of the Tippecanoe Battle Ground.

(4) That should the property, in whole or in part, ever be used for other than the stated purpose, the ~~director~~ **commissioner** may, with approval of the governor, cause the property, in whole, to revert to the status of ownership before February 16, 1972.

SECTION 107. IC 14-20-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The commission is composed of nine (9) members as follows:

(1) The lieutenant governor or the lieutenant governor's designee.

(2) The ~~director~~ **commissioner** or the ~~director's~~ **commissioner's** designee.

(3) One (1) individual who must be an elected officer of the New Harmony town legislative body.

(4) One (1) individual who must be a representative of the University of Southern Indiana.

(5) One (1) individual who must be a representative of the Robert Lee Blaffer Trust nominated by the trustees of the Robert Lee Blaffer Trust.

(6) Four (4) other individuals, at least two (2) of whom must be residents of Posey County.

(b) The governor shall appoint the members of the commission under subsection (a)(3) through (a)(6).

SECTION 108. IC 14-20-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The ~~commission~~ **commissioner** shall receive and accept, for and on behalf of the state, the Whitewater canal system, including the feeder dam and reservoir at Laurel, Indiana, the canal, locks, aqueduct, and all other miscellaneous structures belonging to the Whitewater Canal Association, situated in Franklin County, Indiana, between Laurel, Indiana, and Brookville, Indiana.

SECTION 109. IC 14-20-9-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter does not apply if:

- (1) the Wilbur Wright memorial is transferred to the Wilbur Wright Birthplace Preservation Society after June 30, 1995; or
- (2) the ~~commission~~ **commissioner** declares the memorial to be surplus to the needs of the ~~commission~~ **commissioner** and the department.

SECTION 110. IC 14-20-15-4, AS AMENDED BY P.L.229-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The commission consists of the following members:

- (1) Six (6) members of the house of representatives, to be appointed by the speaker of the house of representatives. Not more than three (3) members appointed under this subdivision may be members of the same political party.
- (2) Six (6) members of the senate, to be appointed by the president pro tempore of the senate. Not more than three (3) members appointed under this subdivision may be members of the same political party.
- (3) The governor or the governor's designee.
- (4) The ~~director~~ **commissioner** of the department of ~~natural~~ **Indiana heritage and cultural** resources or the ~~director's~~ **commissioner** designee.
- (5) One (1) employee of the office of tourism development with expertise in the tourism or film industry, to be designated by the director of the office of tourism development.
- (6) One (1) member of the Indiana historical society, to be appointed by the governor.
- (7) Three (3) Indiana citizens, to be appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.

SECTION 111. IC 14-21-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. **(a) The division of historic preservation and archeology is established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(2).**

(b) The division of historic preservation and archeology shall administer and develop the programs and policies established by this chapter.

SECTION 112. IC 14-21-1-13, AS AMENDED BY P.L.2-2007, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. The division may do the

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following:

(1) Recommend the purchase, lease, or gift of historic property of archeological importance and make recommendations to the ~~director~~, council and ~~commission~~ **commissioner** regarding policies affecting the operation and administration of these sites and structures by the section of historic sites of the division of state museums and historic sites **of the department of Indiana heritage and cultural resources**.

(2) Prepare and review planning and research studies relating to archeology.

(3) Conduct a program of education in archeology, either within the division or in conjunction with a postsecondary educational institution.

(4) Inspect and supervise an archeological field investigation authorized by this chapter.

SECTION 113. IC 14-21-1-14, AS AMENDED BY P.L.2-2007, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) This section does not apply to real property that is owned by a state educational institution.

(b) The Indiana department of administration shall notify the division of a proposed transfer of real property owned by the state at the earliest planning stage and no later than ninety (90) days before the date of the proposed transfer.

(c) The division shall inspect the property and notify the Indiana department of administration of the location of each historic site or historic structure on the property.

(d) Real property owned by the state may not be sold or transferred until the division has stated in writing that the property does not, to the best of the division's knowledge, contain a historic site or historic structure.

(e) If the Indiana department of administration receives notice of a historic site or historic structure on the property, the Indiana department of administration shall reserve control of the appropriate historic property by means of a covenant or an easement contained in the transferring instrument.

(f) The division of state museums and historic sites **of the department of Indiana heritage and cultural resources** shall administer property reserved under subsection (e).

SECTION 114. IC 14-21-1-18.5, AS AMENDED BY P.L.2-2007, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18.5. When submitting its biennial budget request, a state educational institution must:

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(1) submit to the division of historic preservation and archeology of the department of ~~natural~~ **Indiana heritage and cultural** resources a copy of any ten (10) year capital plan of the state educational institution that is required by the budget agency or the commission for higher education; and

(2) identify the projects included in the capital plan that may involve the alteration or demolition of historic sites or structures.

SECTION 115. IC 14-30-4-16, AS AMENDED BY P.L.146-2008, SECTION 427, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) The commission shall prepare an annual budget for the commission's operation and other expenditures under IC 6-1.1-17. The annual budget is subject to review and modification by the county board of tax adjustment of any participating county.

(b) The commission is not eligible for funding through the Wabash River heritage corridor commission established by ~~IC 14-13-6-6~~. **IC 4-34.1-2-2(7).**

SECTION 116. IC 14-34-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. An application for a surface coal mining and reclamation permit must include the following:

(1) The names and addresses of the following:

(A) The permit applicant.

(B) Every legal owner of record of the property (surface and mineral) to be mined.

(C) The holders of record of any leasehold interest in the property.

(D) Any purchaser of record of the property under a real estate contract.

(E) The operator if the operator is a person different from the applicant.

(F) If a person in clauses (A) through (E) is a business entity other than a single proprietor, the names and addresses of the principals, officers, and resident agent.

(2) The names and addresses of the owners of record of all surface and subsurface areas adjacent to any part of the permit area.

(3) A statement of each current or previous surface coal mining permit in the United States held by the applicant, including each pending application, the permit identification, and the state that issued that permit or holds the pending application.

(4) If the applicant is a partnership, a corporation, an association,

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or other business entity, the following where applicable:

(A) The names and addresses of every officer, partner, or director or person performing a function similar to a director of the applicant.

(B) The name and address of each person owning, of record, at least ten percent (10%) of any class of voting stock of the applicant.

(C) A list of all names under which the applicant, partner, or principal shareholder previously operated a surface coal mining operation within the United States within:

(i) the five (5) years preceding the date of submission of the application; or

(ii) any additional period that the director establishes.

(5) A statement of whether the applicant or a subsidiary, an affiliate, or a person controlled by or under common control with the applicant has:

(A) ever held a federal or state coal mining permit that in:

(i) the five (5) years preceding the date of submission of the application; or

(ii) any additional period that the director establishes;

was suspended or revoked or is in the process of revocation; or

(B) had a mining bond or similar security deposited in lieu of bond forfeited;

and if so, a brief explanation of the facts involved and identification of the state in which this action occurred.

(6) A copy of the applicant's advertisement to be published under IC 14-34-4-1. The advertisement must include the following:

(A) The names of the property owners involved.

(B) A description of the exact location and boundaries of the proposed site sufficient so that the proposed surface coal mining operation is readily locatable by local residents.

(C) The location where the application is available for public inspection.

(7) A description of the following:

(A) The type and method of surface coal mining operation that exists or is proposed.

(B) The engineering techniques proposed or used.

(C) The equipment used or proposed to be used.

(8) The anticipated or actual starting and termination dates of each phase of the surface coal mining operation and the number of acres of land to be affected.

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(9) An accurate map or plan, to an appropriate scale, clearly showing the following:

(A) The land to be affected as of the date of the application.

(B) The area of land within the permit area upon which the applicant has the legal right to enter and commence surface coal mining operations, including the following:

(i) A statement of those documents upon which the applicant bases the applicant's legal right to enter and commence surface coal mining operations on the area affected.

(ii) Whether that right is the subject of pending court litigation.

(10) The name of the watershed and location of the surface stream or tributary into which surface and pit drainage will be discharged.

(11) A determination of the probable hydrologic consequences of surface coal mining and reclamation operations, both on and off the mine site, with respect to the following:

(A) The hydrologic regime.

(B) The quantity and quality of water in surface and ground water systems, including the dissolved and suspended solids under seasonal flow conditions.

(C) The collection of sufficient data for the mine site and surrounding areas so that an assessment can be made of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability.

However, this determination is not required until the time that hydrologic information on the general area before mining is made available from an appropriate federal or state agency. The permit may not be approved until the information is available and is incorporated into the application.

(12) When requested by the director, the climatological factors that are peculiar to the locality of the land to be affected, including the following:

(A) The average seasonal precipitation.

(B) The average direction and velocity of prevailing winds.

(C) The seasonal temperature ranges.

(13) Accurate maps to an appropriate scale clearly showing the land affected on the date of application and the same information that is set forth on topographical maps of the United States Geological Survey of a scale of 1:24,000 or 1:25,000 or larger, including all manmade features and archeological and historical

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1 sites known by the division of historic preservation and
 2 archeology **established under IC 4-34.1-2-2(2)**. The map or plan
 3 must show the following:

4 (A) All boundaries of the land to be affected.

5 (B) The boundary lines and names of present owners of record
 6 of all surface areas abutting the permit area.

7 (C) The location of all buildings within one thousand (1,000)
 8 feet of the permit area.

9 (14) Cross section maps or plans of the land to be affected,
 10 including the actual area to be mined, prepared by or under the
 11 direction of and certified by an engineer licensed under IC 25-31
 12 or a geologist licensed under IC 25-17.6 with assistance from
 13 experts in related fields such as land surveying and landscape
 14 architecture. The maps or plans must show pertinent elevation
 15 and location of test borings or core samplings and depict the
 16 following:

17 (A) The nature and depth of the various strata of overburden
 18 as required by the commission in the commission's rules.

19 (B) The location and quality of subsurface water if
 20 encountered.

21 (C) The nature and thickness of each coal or rider seam above
 22 the coal seam to be mined.

23 (D) The nature of the stratum immediately beneath the coal
 24 seam to be mined.

25 (E) All mineral crop lines and the strike and dip of the coal to
 26 be mined within the area of land to be affected.

27 (F) Existing or previous surface coal mining limits.

28 (G) The location and extent of known workings of each
 29 underground coal mine, including mine openings to the
 30 surface.

31 (H) The location of aquifers as required by the commission in
 32 the commission's rules.

33 (I) The estimated elevation of the water table.

34 (J) The location of spoil, waste, or refuse areas and topsoil
 35 preservation areas.

36 (K) The location of all impoundments for waste or erosion
 37 control.

38 (L) Each settling or water treatment facility.

39 (M) Constructed or natural drainageways and the location of
 40 each discharge to a surface body of water on the area of land
 41 to be affected or adjacent to the land to be affected.

42 (N) Profiles at appropriate cross sections of the anticipated

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- 1 final surface configuration that will be achieved under the
 2 operator's proposed reclamation plan.
- 3 (15) A statement of the result of test borings or core samplings
 4 from the permit area, including the following:
- 5 (A) Logs of the drill holes.
 - 6 (B) The thickness of the coal seam found and an analysis of
 7 the chemical properties of that coal.
 - 8 (C) The sulfur content of each coal seam.
 - 9 (D) Chemical analysis of potentially acid or toxic forming
 10 sections of the overburden.
 - 11 (E) A chemical analysis down to and including the deeper of
 12 the following:
 - 13 (i) The stratum lying immediately underneath the lowest
 14 coal seam to be mined.
 - 15 (ii) An aquifer below the lowest coal seam to be mined that
 16 may be adversely impacted by mining.
- 17 The director may waive the requirement as to the specific
 18 application of this clause if the director determines in writing
 19 the requirements are unnecessary.
- 20 (16) For the land in the permit application that a reconnaissance
 21 inspection suggests may be prime farmland and to confirm the
 22 exact location of the prime farmland, a soil survey in accordance
 23 with the standards established by the United States Secretary of
 24 Agriculture.
- 25 (17) A reclamation plan that meets the requirements of section 12
 26 of this chapter.
- 27 (18) Proof that the applicant is self-insured or has a public
 28 liability insurance policy issued by an insurance company
 29 authorized to do business in Indiana in force for the surface coal
 30 mining and reclamation operations for which the permit is sought.
 31 The policy must provide for personal injury and property damage
 32 protection in an amount adequate to compensate each person
 33 injured as a result of the surface coal mining and reclamation
 34 operation. If a permit is granted, the permittee shall maintain the
 35 policy in full force and effect for the duration of the permit or a
 36 renewal.
- 37 (19) A blasting plan that outlines the procedures the operator will
 38 use to comply with IC 14-34-12.
- 39 (20) A listing of all notices of violations, and their final
 40 resolution, of:
- 41 (A) IC 13-4.1 (before its repeal);
 - 42 (B) this article; and

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(C) a:

(i) federal statute or regulation; or

(ii) state statute or rule enacted or adopted in response to a federal statute or regulation;

pertaining to air or water environmental protection;

incurred by the applicant or a subsidiary, an affiliate, or a person controlled by or under common control with the applicant in connection with any surface coal mining operation during the three (3) year period before the date of application.

SECTION 117. IC 14-34-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The director may not approve a permit application unless, in addition to the findings required by section 7 of this chapter, the director states in writing that the director has considered the effects of the proposed mining operation on a place listed on or eligible for listing on the National Register of Historic Places or the Indiana state register of historic sites and structures.

(b) If the director considers it appropriate in accordance with rules adopted by the commission under this section, the director may impose conditions on a permit for the protection of properties or sites listed on or eligible for listing on the National Register of Historic Places or the Indiana state register of historic sites and structures requiring that:

(1) mining operations not occur in the areas occupied by the properties or sites; or

(2) measures be implemented to mitigate the effects of the operation upon those properties or sites before mining.

(c) The commission shall adopt rules under IC 4-22-2 to implement this section consistent with the following general principles:

(1) The commission's rules may not prohibit the use of information from any source and shall recognize the responsibilities of the state historic preservation officer under IC 14-21-1-12 and IC 14-21-1-15.

(2) The commission's rules must provide for participation by professional and amateur archeologists, anthropologists, historians, or related experts in any:

(A) field investigations;

(B) studies; or

(C) records searches;

required by the director under this section.

(3) The commission's rules must strive to ensure that field investigations and studies are required only where a substantial likelihood exists that important and significant archeological or

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1 historic sites are present.

2 (4) In considering the effect of proposed surface coal mining and
3 reclamation operations on a property or site eligible for listing on
4 the National Register of Historic Places, the director shall
5 consider the following:

6 (A) Based on information available **under IC 14-21-1** from
7 the division of historic preservation and archeology **of the**
8 **department of Indiana heritage and cultural resources**, the
9 relative importance of the property or site compared to other
10 properties or sites in Indiana listed on or eligible for listing on
11 the National Register of Historic Places.

12 (B) The cost of an investigation of the permit area or site as
13 estimated by the applicant. A decision that an investigation is
14 not required may not be based on cost alone.

15 (5) This section does not authorize rules that impair the ownership
16 of artifacts or other material found on private land.

17 (d) The director may do the following:

18 (1) Investigate the possibility of obtaining available federal or
19 private:

20 (A) grants;

21 (B) subsidies; or

22 (C) aid;

23 to defer the cost to private individuals of measures required by the
24 director under this section.

25 (2) Apply for any:

26 (A) grants;

27 (B) aid; or

28 (C) subsidies;

29 that the director determines are available.

30 (e) In making the finding required by this section, the director shall
31 take into account the general principles set forth in subsection (c).

32 SECTION 118. IC 23-14-57-1, AS AMENDED BY P.L.113-2007,
33 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2009]: Sec. 1. (a) As used in this section, "removal" or
35 "removed" refers to the disinterment, disintombment, or disinurnment
36 of the remains of a deceased human.

37 (b) Except as provided in subsection (e) and sections 4 and 5 of this
38 chapter, the remains, either cremated or uncremated, of a deceased
39 human shall not be removed from a cemetery without:

40 (1) a written order:

41 (A) that is issued by the state department of health; and

42 (B) that authorizes the removal of the deceased's remains;

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(2) the written consent of:

(A) the owner of the cemetery; or

(B) the owner's representative; and

(3) the written consent of a person or persons referred to in one

(1) of the following clauses, which are listed according to priority:

(A) The individual who was the spouse of the deceased at the time of the deceased's death.

(B) The surviving adult child of the deceased. If there is more than one (1) surviving adult child of the deceased, the requirement for written consent under this subdivision is satisfied if:

(i) any one (1) of the surviving adult children provides written consent to the removal of the deceased's remains;

(ii) the consent provided under item (i) confirms that all other surviving adult children of the deceased have been notified of the proposed removal of the deceased's remains; and

(iii) the state department of health does not receive a written objection to the proposed removal from any of the deceased's surviving adult children.

(C) The surviving parent of the deceased. If the deceased is survived by both parents, the requirement for written consent under this subdivision is satisfied if:

(i) either surviving parent provides written consent to the removal of the deceased's remains; and

(ii) the state department of health does not receive a written objection to the proposed removal from the other surviving parent.

(D) The individual in the next degree of kinship to the deceased under IC 29-1-2-1. If more than one (1) individual of the same degree of kinship is surviving, the requirement for written consent under this subdivision is satisfied if:

(i) any individual of that degree of kinship provides written consent to the removal of the deceased's remains; and

(ii) the state department of health does not receive a written objection to the proposed removal from any other surviving individual in the same degree of kinship.

(c) Before issuing a written authorization under subsection (b), the state department of health shall do the following:

(1) Obtain written evidence that a licensed funeral director has agreed to:

(A) be present at the removal and at the reinterment,

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reentombment, or reinurnment of the remains; and
 (B) cause the completed order of the state department of health
 to be recorded in the office of the county recorder of the
 county where the removal occurs.

(2) Obtain a copy of:

- (A) the written consent required under subsection (b)(3); or
- (B) a court order obtained by a person under subsection (d).

(d) If the written consent of an individual authorized under subsection (b)(3) to give consent is not available, a person who has made a request under this section to the state department of health may petition a court to determine whether to waive the consent requirement of subsection (b)(3). In determining whether to waive the requirement, the court shall consider the viewpoint of any issue (as defined in IC 29-1-1-3) of the deceased. In a proceeding under this subsection, the court may not order the disinterment, disentombment, or disinurnment of the remains of a deceased human.

(e) This subsection applies only if the human remains are on property owned or leased by a coal company. The remains, either cremated or uncremated, of a deceased human may be removed from a cemetery by a coal company if the coal company obtains a court order authorizing the disinterment, disentombment, or disinurnment. Before issuing a court order under this subsection, a court must conduct a hearing and be satisfied as to the following:

- (1) That the property is owned or leased by the coal company.
- (2) That the coal company has obtained the written consent of an individual authorized to give consent under subsection (b)(3). If the consent of an individual authorized to give consent under subsection (b)(3) is not available, the court may waive the requirement after considering the viewpoint of any issue (as defined in IC 29-1-1-3) of the deceased.
- (3) That the department of ~~natural~~ **Indiana heritage and cultural** resources, division of historic preservation and archeology (**IC 14-21-1**), has received at least five (5) days written notice of the time, date, and place of any hearing under this subsection. The notice must describe the proposed place from which the remains will be removed.
- (4) That a licensed funeral director has agreed to:
 - (A) be present at the removal and at the reinterment, reentombment, or reinurnment of the remains; and
 - (B) cause the completed order of the state department of health to be recorded in the office of the county recorder of the county where the removal occurs.

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(5) That the coal company has caused a notice of the proposed removal to be published at least five (5) days before the hearing in a newspaper of general circulation in the county where the removal will occur.

(6) That the coal company will notify the department of ~~natural~~ **Indiana heritage and cultural** resources, division of historic preservation and archeology (**IC 14-21-1**), after the hearing of the proposed time and date when the remains will be removed.

(f) A:

(1) licensed funeral director; or

(2) cemetery owner;

is not liable in an action brought by any person because of the removal of a deceased's remains under a written consent described in subsection (b)(3) or (e)(2) unless the licensed funeral director or the cemetery owner had actual notice before or at the time of the removal that a representation made in the consent described in subsection (b)(3) or (e)(2) was untrue.

(g) The state department of health may adopt rules under IC 4-22-2 to implement this section.

SECTION 119. IC 23-14-57-4, AS AMENDED BY P.L.26-2008, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. This chapter does not apply to the following:

(1) The disinterment, disinterment, or disinterment of remains upon the written order of the coroner of the county in which the cemetery is situated.

(2) The removal of human remains under a plan approved by the division of historic preservation and archeology **of the department of Indiana heritage and cultural resources** under IC 14-21-1.

SECTION 120. IC 23-14-67-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. (a) Before March 1 of each year, a county cemetery commission shall file an annual report with the Indiana historical bureau established by ~~IC 4-23-7-3~~ **IC 4-34.1-2-2(4)**.

(b) An annual report filed under this section must include information on the following:

(1) The budget of the county cemetery commission for the preceding calendar year.

(2) Expenditures made by the county cemetery commission during the preceding calendar year.

(3) Activities of the county cemetery commission during the preceding calendar year.

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(4) Plans of the county cemetery commission for the calendar year during which the report is filed.

(c) The Indiana historical bureau shall make reports filed under this section available for public inspection under IC 5-14-3.

SECTION 121. IC 27-1-20-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. Every company doing business in this state shall file with the department on or before March 1 in each year a financial statement for the year ending December 31 immediately preceding in a format in accordance with IC 27-1-3-13. For good and sufficient cause shown, the commissioner may grant to any individual company a reasonable extension of time not to exceed ninety (90) days within which such statement may be filed. Such statement shall be verified by the oaths of the president or a vice president and the secretary or an assistant secretary of the company. The statement of an alien company shall segregate and state separately its condition and transaction in the United States and such segregated and separated statement shall be verified by the oath of its resident manager or principal representative in the United States. The commissioner of insurance may, with the approval of the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**, authorize the destruction of such annual statements which have been on file for two (2) years or more and microfilm copies of which have been made and filed.

SECTION 122. IC 34-41-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The:

(1) register of the sales of the Michigan road lands located in the Indiana state archives **maintained by the** commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**; and

(2) certified copies of any entry in the register under the seal of Indiana;

are admissible in evidence in all courts and places.

(b) The register, or a certified copy of the entry of the sale of a tract of land described in the register, by any person named in the register as the purchaser of the land, is prima facie evidence that:

(1) the person designated in the register was the purchaser of the land; and

(2) the title to the land has been conveyed by the state to the purchaser in fee simple.

SECTION 123. IC 36-1-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as

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provided in subsection (b) and regardless of the requirements of section 4 of this chapter, if an agreement under section 3 of this chapter concerns the provision of services or facilities that a state officer or state agency has power to control, the agreement must be submitted to that officer or agency for approval before it takes effect.

(b) If a reciprocal borrowing agreement under section 3 of this chapter concerns the provision of library services or facilities between public libraries that are of the same nature as the services provided under the statewide library card program under IC 4-23-7.1-5.1, the reciprocal borrowing agreement is not required to be submitted to the Indiana ~~state library and historical board~~ for approval before the reciprocal borrowing agreement takes effect, but a copy of the reciprocal borrowing agreement shall be submitted to the **Indiana** state library.

(c) Approval or disapproval is governed by the same provisions prescribed by section 4(b) of this chapter for the attorney general.

SECTION 124. IC 36-1-11-1, AS AMENDED BY P.L.2-2006, SECTION 188, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the disposal of property by:

- (1) political subdivisions; and
- (2) their agencies.

(b) This chapter does not apply to the following:

- (1) The disposal of property under an urban homesteading program under IC 36-7-17.
- (2) The lease of school buildings under IC 20-47.
- (3) The sale of land to a lessor in a lease-purchase contract under IC 36-1-10.
- (4) The disposal of property by a redevelopment commission established under IC 36-7.
- (5) The leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3.
- (6) The disposal of a municipally owned utility under IC 8-1.5.
- (7) The sale or lease of property by a unit to an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code or the sale or reletting of that property by the nonprofit corporation.
- (8) The disposal of surplus property by a hospital established and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8,

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- 1 IC 16-23-1, or IC 16-24-1.
- 2 (9) The sale or lease of property acquired under IC 36-7-13 for
- 3 industrial development.
- 4 (10) The sale, lease, or disposal of property by a local hospital
- 5 authority under IC 5-1-4.
- 6 (11) The sale or other disposition of property by a county or
- 7 municipality to finance housing under IC 5-20-2.
- 8 (12) The disposition of property by a soil and water conservation
- 9 district under IC 14-32.
- 10 (13) The disposal of surplus property by the health and hospital
- 11 corporation established and operated under IC 16-22-8.
- 12 (14) The disposal of personal property by a library board under
- 13 IC 36-12-3-5(c).
- 14 (15) The sale or disposal of property by the historic preservation
- 15 commission under IC 36-7-11.1.
- 16 (16) The disposal of an interest in property by a housing authority
- 17 under IC 36-7-18.
- 18 (17) The disposal of property under IC 36-9-37-26.
- 19 (18) The disposal of property used for park purposes under
- 20 IC 36-10-7-8.
- 21 (19) The disposal of textbooks that will no longer be used by
- 22 school corporations under IC 20-26-12.
- 23 (20) The disposal of residential structures or improvements by a
- 24 municipal corporation without consideration to:
- 25 (A) a governmental entity; or
- 26 (B) a nonprofit corporation that is organized to expand the
- 27 supply or sustain the existing supply of good quality,
- 28 affordable housing for residents of Indiana having low or
- 29 moderate incomes.
- 30 (21) The disposal of historic property without consideration to a
- 31 nonprofit corporation whose charter or articles of incorporation
- 32 allows the corporation to take action for the preservation of
- 33 historic property. As used in this subdivision, "historic property"
- 34 means property that is:
- 35 (A) listed on the National Register of Historic Places; or
- 36 (B) eligible for listing on the National Register of Historic
- 37 Places, as determined by the division of historic preservation
- 38 and archeology of the department of ~~natural~~ **Indiana heritage**
- 39 **and cultural** resources (IC 4-34.1-2).
- 40 (22) The disposal of real property without consideration to:
- 41 (A) a governmental agency; or
- 42 (B) a nonprofit corporation that exists for the primary purpose

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of enhancing the environment;
when the property is to be used for compliance with a permit or
an order issued by a federal or state regulatory agency to mitigate
an adverse environmental impact.

(23) The disposal of property to a person under an agreement
between the person and a political subdivision or an agency of a
political subdivision under IC 5-23.

(24) The disposal of residential real property pursuant to a federal
aviation regulation (14 CFR 150) Airport Noise Compatibility
Planning Program as approved by the Federal Aviation
Administration.

SECTION 125. IC 36-7-11.2-11, AS AMENDED BY P.L.219-2007,
SECTION 121, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: Sec. 11. As used in this chapter, "notice"
means written notice:

(1) served personally upon the person, official, or office entitled
to the notice; or

(2) served upon the person, official, or office by placing the notice
in the United States mail, first class postage prepaid, properly
addressed to the person, official, or office. Notice is considered
served if mailed in the manner prescribed by this subdivision
properly addressed to the following:

(A) The governor, both to the address of the governor's official
residence and to the governor's executive office in
Indianapolis.

(B) The Indiana department of transportation, to the
commissioner.

(C) The department of ~~natural~~ **Indiana heritage and cultural**
resources (**IC 4-34.1-2**), both to the ~~director~~ **commissioner** of
the department and to the director of the department's division
of historic preservation and archeology.

(D) The department of metropolitan development.

(E) An occupant, to:

(i) the person by name; or

(ii) if the name is unknown, the "Occupant" at the address of
the Meridian Street or bordering property occupied by the
person.

(F) An owner, to the person by the name shown to be the name
of the owner, and at the person's address, as the address
appears in the records in the bound volumes of the most recent
real estate tax assessment records as the records appear in:

(i) the offices of the township assessors; or

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(ii) the office of the county assessor;
in Marion County.

(G) A neighborhood association or the society, to the organization at the latest address as shown in the records of the commission.

SECTION 126. IC 36-7-11.3-6, AS AMENDED BY P.L.146-2008, SECTION 720, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. As used in this chapter, "notice" means written notice:

(1) served personally upon the person, official, or office entitled to the notice; or

(2) served upon the person, official, or office by placing the notice in the United States mail, first class postage prepaid, properly addressed to the person, official, or office. Notice is considered served if mailed in the manner prescribed by this subdivision properly addressed to the following:

(A) The governor, both to the address of the governor's official residence and to the governor's executive office in Indianapolis.

(B) The Indiana department of transportation, to the commissioner.

(C) The department of ~~natural~~ **Indiana heritage and cultural** resources (**IC 4-34.1-2**), both to the ~~director~~ **commissioner** of the department and to the director of the department's division of historic preservation and archeology.

(D) The municipal plan commission.

(E) An occupant, to:

(i) the person by name; or

(ii) if the name is unknown, the "Occupant" at the address of the primary or secondary property occupied by the person.

(F) An owner, to the person by the name shown to be the name of the owner, and at the person's address, as appears in the records in the bound volumes of the most recent real estate tax assessment records as the records appear in:

(i) the offices of the township assessors (if any); or

(ii) the office of the county assessor.

(G) The society, to the organization at the latest address as shown in the records of the commission.

SECTION 127. IC 36-12-1-2, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. "Indiana ~~state~~ library" ~~and historical board~~ refers to the Indiana ~~state~~ library ~~and historical board~~ established by

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~~IC 4-23-7-2.~~ **IC 4-34.1-2-2(6).**

SECTION 128. IC 36-12-3-16, AS AMENDED BY P.L.130-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) The library board may adopt a resolution allowing money to be disbursed under this section for lawful library purposes, including advertising and promoting the programs and services of the library.

(b) With the prior written approval of the library board and if the library board has adopted a resolution under subsection (a), claim payments may be made in advance of library board allowance for any of the following types of expenses:

- (1) Property or services purchased or leased from the federal government or the federal government's agencies and the state, the state's agencies, or the state's political subdivisions.
- (2) Dues, subscriptions, and publications.
- (3) License or permit fees.
- (4) Insurance premiums.
- (5) Utility payments or connection charges.
- (6) Federal grant programs where:
 - (A) advance funding is not prohibited; and
 - (B) the contracting party posts sufficient security to cover the amount advanced.
- (7) Grants of state funds authorized by statute.
- (8) Maintenance and service agreements.
- (9) Legal retainer fees.
- (10) Conference fees.
- (11) Expenses related to the educational or professional development of an individual employed by the library board, including:
 - (A) inservice training;
 - (B) attending seminars or other special courses of instruction; and
 - (C) tuition reimbursement;
 if the library board determines that the expenditures under this subdivision directly benefit the library.
- (12) Leases or rental agreements.
- (13) Bond or coupon payments.
- (14) Payroll costs.
- (15) State, federal, or county taxes.
- (16) Expenses that must be paid because of emergency circumstances.
- (17) Expenses incurred to advertise and promote the programs

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and services of the library.

(18) Other expenses described in a library board resolution.

Each payment of expenses lawfully incurred for library purposes must be supported by a fully itemized invoice or other documentation. The library director must certify to the library board before payment that each claim for payment is true and correct. The certification must be on a form prescribed by the state board of accounts. The library board shall review and allow the claim at the library board's first regular or special meeting following the payment of a claim under this section.

(c) Purchases of books, magazines, pamphlets, films, filmstrips, microforms, microfilms, slides, transparencies, phonodiscs, phonotapes, models, art reproductions, and all other forms of library and audiovisual materials are exempt from the restrictions imposed by IC 5-22.

(d) The purchase of library automation systems must meet the standards established by the Indiana **state** library ~~and historical board~~ under IC 4-23-7.1-11(b).

SECTION 129. IC 36-12-11-2, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "board" refers to the ~~Indiana~~ library and historical **advisory** board established by ~~IC 4-23-7-2: IC 4-23-7-1.~~

SECTION 130. IC 36-12-11-3, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. As used in this chapter, "director" refers to the director of the Indiana state library appointed under ~~IC 4-23-7.1-37: IC 4-34.1-2-6.~~

SECTION 131. IC 36-12-11-5, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. **(a)** The board shall do the following:

(1) Prescribe and define grades of public library service and prescribe the qualifications that individuals must possess who are employed in each of the grades of public library service, giving due consideration to the population served and the income and salary schedule of each library.

~~(2) Make available the requirements for certification of all grades upon request and without charge to all prospective applicants.~~

~~(3) Issue certificates to candidates who apply for certificates and who, by reason of their academic or technical training and experience, are found to be suitable individuals to certify.~~

~~(4)~~ **(2)** Prescribe and define the qualifications of a library director, a head of a department or branch, or a professional assistant of a

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public library.

~~(5)~~ (3) Adopt rules under IC 4-22-2 that the board determines are necessary to administer this chapter.

(b) The director shall do the following:

(1) Make available the requirements for certification of all grades upon request and without charge to all prospective applicants.

(2) Issue certificates to candidates who apply for certificates and who, by reason of their academic or technical training and experience, are found to be suitable individuals to certify.

SECTION 132. IC 36-12-11-7, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) An individual who:

(1) desires to be certified as a librarian in a designated division, grade, or type of public library service; and

(2) possesses the qualifications prescribed in the rules of the board as essential to enable an individual to apply for a certificate;

may apply to the ~~board~~ **director** for a certificate in any grade or grades of public library service.

(b) The application must be:

(1) made on a form prescribed and supplied by the ~~board~~; **director**; and

(2) accompanied by the fee set by the board under section 11 of this chapter.

(c) If the application is found to be satisfactory, the applicant is entitled to a certificate in the grade or grades of public library service for which the applicant applied.

SECTION 133. IC 36-12-11-11, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The board shall adopt rules under IC 4-22-2 to set fees to be paid by an individual who applies for certification under section 7 of this chapter. If the board has not set a fee by rule for a particular type of application, the fee is one dollar (\$1).

(b) Payment of fees set under this section may be made by any of the following:

(1) Cash.

(2) A draft.

(3) A money order.

(4) A cashier's check.

(5) A certified check.

(6) A personal check.

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If an individual pays a fee with an uncertified personal check and the check does not clear the bank, the ~~board~~ **director** may void the certificate for which the check was received.

(c) Unless specified by the rules of the board, a fee is not refundable or transferable.

(d) Fees shall be paid to the library certification account established under section 10 of this chapter.

SECTION 134. IC 14-21-1-13.5, AS AMENDED BY P.L.3-2008, SECTION 101, IS AMENDED TO READ AS FOLLOWS: Sec. 13.5.

(a) The division may conduct a program to survey and register in a registry of Indiana cemeteries and burial grounds that the division establishes and maintains all cemeteries and burial grounds in each county in Indiana. The division may conduct the program alone or by entering into an agreement with one (1) or more of the following entities:

(1) The Indiana Historical Society, ~~established under IC 23-6-3.~~

which was originally incorporated by Special Acts 1831, c.34.

(2) A historical society (as defined in IC 36-10-13-3).

(3) The Historic Landmarks Foundation of Indiana.

(4) A professional archeologist or historian associated with a postsecondary educational institution.

(5) A township trustee.

(6) Any other entity that the division selects.

(b) In conducting a program under subsection (a), the division may receive gifts and grants under terms, obligations, and liabilities that the director considers appropriate. The director shall use a gift or grant received under this subsection:

(1) to carry out subsection (a); and

(2) according to the terms of the gift or grant.

(c) At the request of the director, the auditor of state shall establish a trust fund for purposes of holding money received under subsection (b).

(d) The director shall administer a trust fund established by subsection (c). The expenses of administering the trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the trust fund established by subsection (c) that is not currently needed to meet the obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the trust fund the interest that accrues from the investment of the trust fund.

(f) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

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(g) Nothing in this section may be construed to authorize violation of the confidentiality of information requirements of 16 U.S.C. 470w-3 and 16 U.S.C. 470hh.

(h) The division may record in each county recorder's office the location of each cemetery and burial ground located in that county.

SECTION 135. [EFFECTIVE JULY 1, 2009] (a) As used in this SECTION, "commissioner" refers to the commissioner of the department.

(b) As used in this SECTION, "department" refers to the department of Indiana heritage and cultural resources established by IC 4-34.1-2-1, as added by this act.

(c) As used in this SECTION, "heritage and cultural agency" means any of the following:

(1) The department of natural resources, division of historic preservation and archeology.

(2) The department of natural resources, division of state museums and historic sites.

(3) The Indiana historical bureau.

(4) The Indiana state library.

(5) The Wabash River heritage corridor commission.

(6) The commission on public records.

(7) The Indiana department of administration, state house tour office.

(8) The Indiana department of transportation, cultural resources section, historic bridge marketing program.

(d) An appropriation to a heritage and cultural agency in effect after June 30, 2009, is transferred to the department.

(e) After June 30, 2009, the personnel and positions of each heritage and cultural agency that were employed by a heritage and cultural agency on June 30, 2009, are transferred to the department.

(f) Beginning July 1, 2009, the directors of the heritage and cultural agencies shall report to the commissioner of the department and administer their entities in compliance with the policies and procedures as may be established by the department.

(g) The office of management and budget's division of government efficiency and financial planning and the state personnel department shall fully assist the commissioner to organize the structure of the department in the most efficient manner possible.

(h) The commissioner shall prepare a report containing any legislative recommendations that are needed to:

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- 1 (1) amend statutory references to the department and the
2 heritage and cultural agencies; and
3 (2) assist in restructuring the department.
4 The report must be delivered to the governor and the legislative
5 council before October 1, 2009. The report delivered to the
6 legislative council must be in an electronic format under IC 5-14-6.
7 (i) This SECTION expires July 1, 2014.
8 SECTION 136. THE FOLLOWING ARE REPEALED
9 [EFFECTIVE JULY 1, 2009]; IC 4-13-12.1-7; IC 23-6-3.

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 524, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 524 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 524 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 1-1-3.5-5, AS AMENDED BY P.L.2-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The governor shall forward a copy of the executive order issued under section 3 of this chapter to:

- (1) the director of the Indiana state library (**established within the department of Indiana heritage and cultural resources**);
- (2) the election division; and
- (3) the Indiana Register.

(b) The director of the Indiana state library, or an employee of the Indiana state library designated by the director to supervise a state data center established under IC 4-23-7.1, shall notify each state agency using population counts as a basis for the distribution of funds or services of the effective date of the tabulation of population or corrected population count.

(c) The agencies that the director of the Indiana state library must notify under subsection (b) include the following:

- (1) The auditor of state, for distribution of money from the following:
 - (A) The cigarette tax fund in accordance with IC 6-7-1-30.1.
 - (B) Excise tax revenue allocated under IC 7.1-4-7-8.
 - (C) The local road and street account in accordance with IC 8-14-2-4.
- (2) The board of trustees of Ivy Tech Community College for the

SB 524—LS 7363/DI 77+



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board's division of Indiana into service regions under IC 21-22-6-1.

(3) The lieutenant governor, for the distribution of money from the rural development fund under IC 4-4-9.

(4) The division of disability and rehabilitative services, for establishing priorities for community residential facilities under IC 12-11-1.1 and IC 12-28-4-12.

(5) The department of state revenue, for distribution of money from the motor vehicle highway account fund under IC 8-14-1-3.

(6) The Indiana economic development corporation, for the evaluation of enterprise zone applications under IC 5-28-15.

(7) The alcohol and tobacco commission, for the issuance of permits under IC 7.1.

(8) The Indiana ~~state library, and historical board,~~ for distribution of money to eligible public library districts under IC 4-23-7.1-29.

(9) The state board of accounts, for calculating the state share of salaries paid under IC 33-38-5, IC 33-39-6, and IC 33-41-2.

SECTION 2. IC 2-6-1.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The supervision of the preparation and indexing of the journals of the house and senate of each session of the general assembly shall be the duty of the clerk of the house and the secretary of the senate, respectively.

(b) Copies of the journals of each house shall be distributed to all state elected officials. Sufficient additional copies shall be furnished to the Indiana state library (**established under IC 4-34.1-2-2(6)**) to provide for the state-wide availability of the journals and to fill requests from official agencies in other states.

SECTION 3. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. An individual may not solicit or receive a contribution in violation of the following statutes:

- (1) ~~IC 4-23-7-3.5 (Indiana Library and Historical Department):~~
- (2) ~~(1) IC 4-23-7-3.5 and~~ IC 4-23-7.1-38 (Indiana state library).
- (3) ~~(2) IC 4-23-7-3.5 and~~ IC 4-23-7.2-17 (Indiana historical bureau).
- (4) ~~(3) IC 8-23-2-3 (Indiana department of transportation).~~
- (5) ~~(4) IC 14-9-7-1 and IC 14-10-3-10 (Department of natural resources).~~

SECTION 4. IC 4-1-2-1, AS AMENDED BY P.L.13-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. It is the intent of this chapter that state offices be open and able to conduct public business at all times during an eight and one-half (8 1/2) hour working day. Each employee shall work for

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a full seven and one-half (7 1/2) hours each working day and provision for a one (1) hour lunch period shall be provided each employee. Lunch hours of employees shall be staggered to permit the conduct of business at all times during a working day. Breaks shall be provided as set forth in IC 5-10-6-2. It shall be lawful for state offices to close their doors for business from the close of the working day each Friday or in the event Friday is a legal holiday, then from the close of the working day on the Thursday which immediately precedes such legal holiday, until the commencement of the working day on the next following Monday, or in the event Monday is a legal holiday, then until the commencement of the working day on the Tuesday which immediately follows such legal holiday; provided, however, that the state library may be kept open until noon Saturdays in the discretion of the **director of the Indiana state library, and historical board**.

SECTION 5. IC 4-5-1-2, AS AMENDED BY P.L.123-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The secretary of state shall keep and preserve the following:

- (1) The enrolled copy of the Constitution of the state.
- (2) The manuscripts containing the enrolled acts and joint resolutions of the general assembly.
- (3) All the official bonds of state officers except the secretary of state's bond.
- (4) All written contracts to which the state is a party, unless required to be deposited elsewhere.
- (5) Any rule or other agency statement that is filed under IC 4-22-2 before July 1, 2006.

(b) All documents described in subsection (a)(1), (a)(2), or (a)(5) may be transferred **for safekeeping** by the secretary of state to the commission on public records ~~for safekeeping, and established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5).~~ The commission shall receive and safely preserve ~~them the documents~~ when transferred. The secretary of state and the commission on public records shall establish an indexing system so that the secretary of state, an agency, or the commission on public records can comply with a request under IC 5-14-3 to inspect or copy a transferred document described in subsection (a)(5), including the full text of a matter incorporated by reference into a document described in subsection (a)(5). The indexing system must at least identify transferred documents by the following:

- (1) Indiana Administrative Code citation.
- (2) Indiana Register document control number or volume and

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page number.

(3) Year of adoption.

(4) General subject matter.

(c) Regardless of whether a document described in subsection (a)(1) or (a)(2) is transferred to the commission on public records under subsection (b), when deemed expedient or necessary for the preservation of the documents, the secretary of state may copy the documents by any micrographic technique, and the micrographic copies shall be stored in a place other than in the state capitol building or the Indiana state library **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(6).**

(d) The secretary of state may copy in micrographic form the complete contents of each rule that is filed with the secretary of state's office under IC 4-22-2 before July 1, 2006. Both the rule and the full text of matters incorporated by reference into the rule may be copied.

(e) Micrographic copies prepared under subsection (d) must conform with the following:

(1) The standards developed by the supreme court and the oversight commission on public records under IC 5-15-5.1-8.

(2) The standards developed in an agreement between the secretary of state, the publisher of the Indiana Register, the governor, the attorney general, the Indiana ~~state~~ library, ~~and historical department~~, and the commission on public records.

(f) The secretary of state may micrographically copy documents under subsection (d):

(1) in the micrographic laboratory operated by the commission on public records under IC 5-15-5.1-8;

(2) with equipment and technology operated by the secretary of state; or

(3) through a contract for services procured under IC 5-22.

(g) When a document is micrographically copied under this section, the original documents shall never be destroyed even if microfilmed. However, if the secretary of state has the capacity to make certifiable copies from a micrographic media prepared under subsection (d), the secretary of state may return to its originating agency the full text of any matter that is incorporated by reference into a rule and micrographically copied.

SECTION 6. IC 4-15-2-3.8, AS AMENDED BY P.L.1-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.8. "State service" means public service by:

(1) employees and officers, including the incumbent directors, of the county offices of family and children; and

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(2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability and rehabilitative services, division of aging, Fort Wayne State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of homeland security (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, ~~Indiana historical bureau, Indiana state library~~, division of family resources, department of child services, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, ~~commission on public records~~, Indiana horse racing commission, and state personnel department.

SECTION 7. IC 4-20.5-6-11, AS ADDED BY P.L.29-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The department shall commission and place within the state capitol a permanent display commemorating the contributions of black citizens of Indiana to:

- (1) the state;
- (2) other governmental entities; and
- (3) the private sector;

throughout the history of Indiana.

- (b) The department shall consult with the Indiana historical bureau

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established within the department of Indiana heritage and cultural resources to:

(1) identify the individuals whose contributions are to be included in the display; and

(2) assist in the design of the display.

(c) Not later than July 1, 2008, the department shall submit the plans for the display to the legislative council for approval.

(d) After the legislative council has approved the plans for the display, the department shall have the display constructed and placed in the state capitol.

SECTION 8. IC 4-20.5-6-12, AS ADDED BY P.L.29-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) The department shall commission and place within the state capitol a bust of President Benjamin Harrison.

(b) The department shall consult with the Indiana historical bureau **established within the department of Indiana heritage and cultural resources** and the Indiana arts commission to assist in the design of the bust.

(c) Not later than July 1, 2008, the department shall submit the plans for the bust to the legislative council for approval.

(d) After the legislative council approves the plans for the bust, the department shall have the bust made and placed in the state capitol.

SECTION 9. IC 4-20.5-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The department shall notify the following of the proposed transfer:

(1) Other state agencies.

(2) State educational institutions.

(3) The division of historic preservation and archeology of the department of ~~natural~~ **Indiana heritage and cultural resources** as required by IC 14-21-1-14.

SECTION 10. IC 4-22-7-4, AS AMENDED BY P.L.215-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. An agency shall maintain a copy of each rule that has been filed with the secretary of state (including documents filed with the secretary of state under IC 4-22-2-21) under a retention schedule established by the commission on public records **established within the department of Indiana heritage and cultural resources** by IC 4-34.1-2-2(5).

SECTION 11. IC 4-22-7-7, AS AMENDED BY P.L.123-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) This section applies to the following agency statements:

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- (1) Executive orders issued by the governor.
 - (2) Notices that a rule has been disapproved or objected to by the attorney general under IC 4-22-2-32 or IC 4-22-2-38, or disapproved or objected to by the governor under IC 4-22-2-34 or IC 4-22-2-38.
 - (3) Official opinions of the attorney general (excluding advisory letters).
 - (4) Official explanatory opinions of the state board of accounts based on an official opinion of the attorney general.
 - (5) Any other statement:
 - (A) that:
 - (i) interprets, supplements, or implements a statute or rule;
 - (ii) has not been adopted in compliance with IC 4-22-2;
 - (iii) is not intended by its issuing agency to have the effect of law; and
 - (iv) may be used in conducting the agency's external affairs;
 or
 - (B) that specifies a policy that an agency relies upon to:
 - (i) enforce a statute or rule;
 - (ii) conduct an audit or investigation to determine compliance with a statute or rule; or
 - (iii) impose a sanction for violation of a statute or rule.
- This subdivision includes information bulletins, revenue rulings (including, subject to IC 6-8.1-3-3.5, a letter of findings), and other guidelines of an agency.
- (6) A statement of the governor concerning extension of an approval period under IC 4-22-2-34.

(b) Whenever an agency adopts a statement described by subsection (a), the agency shall distribute electronic copies of the statement to the publisher for publication and indexing in the Indiana Register (in the format specified by the publisher under IC 4-22-2) and the copies required by IC 4-23-7.1-26 to the Indiana **state** library. ~~and historical department~~. However, if a statement under subsection (a)(5)(B) is in the form of a manual, book, pamphlet, or reference publication, the publisher is required to publish only the title of the manual, book, or reference publication.

(c) Every agency that adopts a statement described under subsection (a) also shall maintain a current list of all agency statements described in subsection (a) that it may use in its external affairs. The agency shall update the listing at least every thirty (30) days. The agency shall include on the list the name of the agency and the following information for each statement:

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- (1) Title.
- (2) Identification number.
- (3) Date originally adopted.
- (4) Date of last revision.
- (5) Reference to all other statements described in subsection (a) that are repealed or amended by the statement.
- (6) Brief description of the subject matter of the statement.

(d) At least quarterly, every agency that maintains a list under subsection (c) shall distribute two (2) copies to the Indiana **state** library and historical department and the administrative rules oversight committee.

SECTION 12. IC 4-23-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. ~~There is hereby created and~~ (a) **As used in this chapter, "advisory board" refers to the library and historical advisory board established by subsection (c).**

(b) **As used in this chapter, "commissioner" refers to the commissioner of the department of Indiana heritage and cultural resources established by IC 4-34.1-2-1.**

(c) **The library and historical advisory board is established. a department of the state government which shall be known as the Indiana Library and Historical Department.**

SECTION 13. IC 4-23-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) ~~The management and control of the Indiana library and historical department is hereby vested in a advisory board which shall be known as the Indiana library and historical board; and which shall consist~~ **consists** of five (5) members, who shall be appointed by the governor. ~~as hereinafter provided: In the first instance, one (1) of such members shall be appointed for a term of one (1) year; one (1) member for a term of two (2) years; one (1) member for a term of three (3) years; and two (2) members for a term of four (4) years. Thereafter All members shall be appointed for terms of four (4) years. No A person shall~~ **may not** be appointed as a member of the ~~Indiana library and historical advisory board unless he the person~~ is a citizen of high standing and probity and has a known and active interest in library or historical work. One (1) member of the library and historical board shall be appointed on recommendation of the state board of education, one (1) member shall be appointed on recommendation of the Indiana library, trustee association, one (1) member shall be appointed on recommendation of the Indiana library association, one (1) member shall be appointed on recommendation of the Indiana historical society, and one (1) member

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shall be selected and appointed by the governor.

(b) The members of the **advisory** board shall serve without compensation, but ~~shall be~~ **are** entitled to receive their actual expenses necessarily incurred in attending the meetings and transacting the business of the board, and in participating in such other activities as may be in the interest of the department. Any vacancy which may occur in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term, either on recommendation of the board, association, or society ~~hereinbefore~~ authorized to make ~~recommendations~~, **a recommendation** or by selection by the governor. ~~as hereinbefore provided~~. The **advisory** board may ~~prepare~~ **recommend** plans subject to the approval of the ~~governor~~ **commissioner** and advise with the proper officials in the construction of alterations and additions to the building and provide necessary equipment and furnishings within the appropriations of funds for these purposes. **Subject to the approval of the commissioner**, the **advisory** board may receive and administer any state or federal aid which may become available for the improvement and development of library and historical services in Indiana.

SECTION 14. IC 4-23-7-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) The ~~Indiana library and historical~~ **advisory** board shall elect one (1) of its members as president, another as secretary, and such other officers as it determines, each of whom shall hold office for a term of one (1) year.

(b) The ~~board~~ **commissioner** may designate the director of the state library or the director of the historical bureau as the executive secretary of the board with duties as prescribed by the ~~board~~ **commissioner**.

SECTION 15. IC 4-23-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The ~~following are established within the Indiana library and historical department consists of two (2) divisions~~ **heritage and cultural resources department**:

- (1) The Indiana state library **established by IC 4-34.1-2-2(6)**. and
- (2) The Indiana historical bureau **established by IC 4-34.1-2-2(4)**.

SECTION 16. IC 4-23-7-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.2. ~~In perfecting the internal organization of the department, The board may so apportion the duties of the department and of the several divisions thereof that like services in the various divisions may be performed by the same employee or employees for the entire department.~~ **commissioner is responsible for the organizational structure of the Indiana state**

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library and the Indiana historical bureau.

SECTION 17. IC 4-23-7-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. ~~No~~ **A** member of the ~~library and historical advisory board, nor any the commissioner, the director, or other an~~ employee of the ~~department shall~~ **Indiana state library or the Indiana historical bureau may not** directly or indirectly solicit subscription or contribution for any political party or political purpose, or be forced in any way to make such contribution, or be required to participate in any form of political activity.

SECTION 18. IC 4-23-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. Subject to the provisions of this chapter, the ~~library and historical advisory board shall formulate recommend rules and regulations for the care, management, and expansion of the library and historical department~~ **Indiana state library and the Indiana historical bureau** so that the ~~department and its several divisions~~ **Indiana state library and the Indiana historical bureau** may at all times be operated according to the most approved standards of library and historical service.

SECTION 19. IC 4-23-7-5.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.2. The ~~Indiana library and historical board commissioner~~ may accept gifts, bequests, and devises of personal and real property for the maintenance, use, or benefit of the Indiana ~~state library and Indiana historical department~~ **bureau** under such terms and conditions and with such obligations, liabilities, and burdens as in the judgment of the ~~board and the governor commissioner~~ is in the best interest of the Indiana ~~state library and Indiana historical department; bureau.~~ However, ~~no an~~ obligation, liability, or burden ~~shall may not~~ be assumed that is in excess of appropriations made by law for the payment of such obligations, liabilities, and burdens.

SECTION 20. IC 4-23-7-5.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.3. (a) The ~~Indiana library and historical board may on the recommendation of the director of the state library; commissioner may~~ sell, lease, exchange, or otherwise dispose of library materials under:

- (1) IC 4-13-2-12; or
- (2) IC 4-13-2-12.5.

(b) The ~~Indiana library and historical board commissioner may, on the recommendation of the director of the state library and in accordance with policies and procedures adopted by the board;~~ **director,** sell, donate, or exchange library materials to or with other public or nonprofit libraries or historical societies.

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(c) The ~~Indiana library and historical board~~ **commissioner** may ~~on the recommendation of the director of the state library~~, adopt policies and procedures for evaluating a proposal to:

- (1) accept gifts of;
- (2) sell;
- (3) exchange; or
- (4) otherwise dispose of;

library materials described in IC 4-23-7.1-3.

SECTION 21. IC 4-23-7-5.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.4. (a) The library and historical ~~department~~ fund is established as a dedicated fund to be administered by the ~~Indiana library and historical board~~ **department of Indiana heritage and cultural resources**. The monies in the fund may be expended by the ~~board~~ **department** exclusively for the maintenance, use, or benefit of the Indiana **state** library and **Indiana** historical ~~department~~ **bureau**.

(b) The proceeds from the sale of items as directed by law or by the ~~Indiana library and historical board~~, **commissioner**, from gifts of money or the proceeds from the sale of gifts donated to the fund, and from investment earnings from any portion of the fund, shall be deposited in the fund.

(c) All monies accruing in the fund are hereby appropriated continuously for the purposes specified in this section.

(d) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year; however, if the fund is abolished, its contents shall revert to the general fund of the state.

SECTION 22. IC 4-23-7-30, AS AMENDED BY P.L.2-2007, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 30. (a) The ~~Indiana library and historical advisory board~~ shall establish the council on library automation to:

- (1) conduct ongoing planning activities for library automation in Indiana; and
- (2) advance the automation goals of Indiana's libraries through the cooperation of the appropriate library agencies and organizations.

(b) The council on library automation consists of thirteen (13) members as follows:

- (1) One (1) member from the Indiana library and historical board.
- (2) Two (2) members from area library services authorities.
- (3) Two (2) members from the Indiana cooperative library services authority.
- (4) Two (2) members from the department of education.
- (5) Two (2) members from the state educational institution library

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automation committee.

(6) Two (2) members from the Indiana state library.

(7) Two (2) members from public libraries.

(c) With regard to the members described in subsection (b)(1) through (b)(6), each respective entity or agency described in subsection (b)(1) through (b)(6) shall forward its nominees for appointment on the council to the ~~Indiana library and historical board~~ **commissioner** for confirmation.

(d) The ~~Indiana library and historical~~ **advisory** board shall establish a process to select the members appointed under subsection (b)(7).

(e) ~~Except as provided in subsection (f);~~ The terms of office for council members is three (3) years.

~~(f) The Indiana library and historical board shall establish the procedures for the council, including staggering the terms for initial members of the council.~~

~~(g)~~ **(f)** The council **on library automation** may do the following:

(1) Encourage planning by individual libraries and groups of libraries with regard to library automation.

(2) Annually update and distribute the statewide library automation and resource sharing plan.

(3) Submit to the state library board its recommendations concerning the adoption of library automation standards under IC 4-23-7.1-11(b).

(4) Encourage library automation, resource sharing, and document delivery programs that are consistent with state technology strategies, educational programs, and economic interests.

(5) Consult with appropriate agencies and organizations with an interest in library automation and resource sharing in Indiana.

(h) The council **on library automation** shall provide an annual report to the ~~Indiana library and historical~~ **advisory** board on the council's activities and progress made towards meeting the goals in the statewide library automation and resource sharing plan. The council shall recommend to the ~~Indiana library and historical~~ **advisory** board funding strategies that support the goals and initiatives contained in the statewide plan.

SECTION 23. IC 4-23-7.1-1, AS AMENDED BY P.L.1-2005, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

(1) "Advisory council" refers to the Indiana state library advisory council established by section 39 of this chapter.

(2) "Agency" means any state administration, agency, authority,

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board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.

(3) "Board" means the ~~Indiana~~ library and historical **advisory** board established by ~~IC 4-23-7-2~~. **IC 4-23-7-1.**

(4) "~~Department~~" means the ~~Indiana~~ library and historical ~~department~~ established by ~~IC 4-23-7-1~~.

(5) (4) "Director" means director of the Indiana state library.

(6) (5) "Historical bureau" means the Indiana historical bureau established by ~~IC 4-23-7-3~~. **within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(4).**

(7) (6) "Public library" has the meaning set forth in IC 36-12-1-5.

(8) (7) "State library" means the Indiana state library established by ~~IC 4-23-7-3~~. **within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(6).**

(9) (8) "Statewide library card program" refers to the program established by section 5.1 of this chapter.

SECTION 24. IC 4-23-7.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. **With the advice of the board**, the state library shall initiate or participate in plans or programs for historical or library development in Indiana that are considered appropriate. ~~by the Indiana library and historical board.~~

SECTION 25. IC 4-23-7.1-5.1, AS AMENDED BY P.L.1-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.1. (a) The state library shall develop and implement a statewide library card program to enable individuals who hold a valid statewide library card to present the statewide library card to borrow:

- (1) library books; or
- (2) other items available for public borrowing from public libraries as established by rules adopted by the board under subsection (c);

from any public library in Indiana. The statewide library card program is in addition to any reciprocal borrowing agreement entered into between public libraries under IC 36-12-3-7 or IC 36-1-7.

(b) The statewide library card program developed under this section must provide for at least the following:

- (1) To be an eligible cardholder of a statewide library card or to renew a statewide library card, the individual must:
 - (A) be a resident of Indiana;
 - (B) ask to receive or renew the statewide library card; and
 - (C) hold a valid resident or nonresident local library card

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issued to the individual by a public library under IC 36-12-2-25.

(2) The individual's public library shall pay a fee to be established by rules adopted by the board under subsection (c) based on not less than forty percent (40%) of the current average operating fund expenditure per borrower by all eligible public libraries as reported annually by the state library in the state library's annual "Statistics of Indiana Libraries". The individual's public library may assess the individual a fee to cover all or part of the costs attributable to the fee required from the public library and the amount charged to all individuals by a public library under this subdivision may not exceed the amount the public library is required to pay under this subdivision.

(3) Each statewide library card expires one (1) year after issuance to an eligible cardholder.

(4) Statewide library cards are renewable for additional one (1) year periods to eligible cardholders who comply with subdivision (1).

(5) Statewide library cards shall be available to eligible cardholders at all public libraries.

(6) Each eligible cardholder using a statewide library card is responsible for the return of any borrowed item directly to the public library from which the cardholder borrowed the item.

(7) All public libraries shall participate in the statewide library card program and shall permit an individual who holds a valid statewide library card to borrow items available for borrowing as established by rules adopted by the board under subsection (c).

(8) A nonresident of a public library taxing district who requests a statewide library card shall pay a fee for that card that includes, but is not limited to, the sum of the following:

(A) The statewide library card fee that a public library is required to pay under subdivision (2).

(B) The library taxing district's operating fund expenditure per capita in the most recent year for which that information is available in the state library's annual "Statistics of Indiana Libraries".

This subdivision does not limit a library district's fee making ability or a library district's ability to enter township contractual arrangements.

(c) The ~~board~~ **director** shall adopt rules under IC 4-22-2 to implement this section, including rules governing the following:

(1) The amount and manner in which the public libraries shall

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remit the fee under subsection (b)(2) to the state library for the state library's use in conducting the statewide library card program.

(2) The manner of distribution and payment to each eligible public library district of the funds generated by the statewide library card program based upon the loans made by each eligible public library. To be eligible for a payment, the public library district must also comply with the standards and rules established under section 11 of this chapter.

(3) The manner in which fines, penalties, or other damage assessments may be charged to eligible cardholders for items:

- (A) borrowed but not returned;
- (B) returned to the inappropriate public library;
- (C) returned after the items were otherwise due; or
- (D) damaged.

(4) The dissemination of the statewide library cards to the public libraries.

(5) Record keeping procedures for the statewide library card program.

(6) Any other pertinent matter.

SECTION 26. IC 4-23-7.1-5.2, AS AMENDED BY P.L.1-2005, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.2. (a) As used in this section, "fund" refers to the statewide library card fund established by subsection (b).

(b) The statewide library card fund is established as a dedicated fund to be administered by the state library. Money in the fund shall be disbursed by the director of the state library exclusively for:

- (1) the costs of administering the statewide library card program; or
- (2) distribution to eligible public libraries for services related to loans of books or other library items under the statewide library card program.

(c) A public library is eligible for a distribution of money from the fund if the **board director** determines that the public library:

- (1) meets the standards for public libraries established by rules of the **board director** or the **board director** has granted the public library a waiver from these standards; and
- (2) charges a fee in the amount required under IC 36-12-2-25 for issuing a local library card to a nonresident of the public library district.

(d) **After consultation with the board**, the **board director** shall adopt rules under IC 4-22-2 to establish a formula for the distribution

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of money in the fund to eligible public libraries. The formula must base the amount of money paid to an eligible public library upon the number of net loans made by the eligible public library under the statewide library card program.

(e) The fees collected under section 5.1 of this chapter shall be deposited in the fund. Interest earned on money in the fund shall be deposited in the fund.

(f) Money in the fund is appropriated continuously for the purposes specified in this section and section 5.1 of this chapter.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the fund is abolished, any money in the fund reverts to the state general fund.

SECTION 27. IC 4-23-7.1-11, AS AMENDED BY P.L.130-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The ~~board~~, **director**, with the advice of the advisory council, shall establish operating standards and rules for libraries eligible to receive funds, either federal or state, under the provisions of any program for which the Indiana state library is the administrator. The Indiana state library shall monitor libraries eligible to receive funds or receiving funds to ascertain whether or not the standards and rules are being met.

(b) The ~~board~~, **director**, with the advice of the council on library automation established under IC 4-23-7-30, shall establish library automation standards for libraries. The Indiana state library shall monitor compliance with the standards.

SECTION 28. IC 4-23-7.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The state library may cooperate with any of the educational institutions of the state or other institutions, organizations, or individuals for the purpose of meeting its responsibilities in any manner and to any extent which may be approved by the ~~board~~, **director**.

SECTION 29. IC 4-23-7.1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. The state library shall retain copies of all reports, documents, bulletins, or other publications as may be necessary for its use or the use of the historical bureau, and the copies remaining shall be distributed and exchanged in such manner as may be prescribed by the ~~board~~, **director**.

SECTION 30. IC 4-23-7.1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. The ~~board~~ **director** shall determine the days and hours the library and its subdivisions will be open for public use. However, the provisions of the laws governing the length of the working day, the hours of public business, and the

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observance of legal holidays shall be observed.

SECTION 31. IC 4-23-7.1-22, AS AMENDED BY P.L.130-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. (a) The Indiana state library annually shall collect data from all libraries in Indiana.

(b) Each public officer who:

- (1) has in the officer's charge or custody;
- (2) is capable of supplying; or
- (3) is required to collect and compile;

information required by the ~~library and historical~~ **department bureau** or by the state library shall supply the information promptly at the request of the ~~department bureau~~ or the state library.

SECTION 32. IC 4-23-7.1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23. The enumeration of the specific powers and duties in this chapter does not exclude the state library from engaging in any other activity, not contrary to law, that the ~~Indiana library and historical board~~ **director** may consider appropriate in the development of library service to state government, to the libraries and library profession of Indiana, and to the citizens of the state.

SECTION 33. IC 4-23-7.1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. The ~~board~~ **director** may promulgate rules, under IC 4-22-2, to carry out the provisions and purpose of this chapter.

SECTION 34. IC 4-23-7.1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 32. Any book or other library material, unless restricted because of its value, physical condition, historical importance, demand, requirement for research or legal or contractual restriction, belonging to or in custody of the state library may be borrowed for use outside of the library by any resident of the state or any library in accordance with rules adopted by the ~~Indiana library and historical board~~ **director**.

SECTION 35. IC 4-23-7.1-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 33. Rules for all loans including, at its discretion, the imposition of fines on borrowers for violation of the rules, shall be established by the ~~board~~ **director**. All funds accruing from such fines shall be deposited in the state library publications fund.

SECTION 36. IC 4-23-7.1-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 36. The state library shall be organized in such manner as determined by the director, ~~with the approval of~~ **after consultation with** the board. The duties of the

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state library established by law may be supplemented by the ~~board~~ **director** according to ~~its~~ **the director's** discretion.

SECTION 37. IC 4-23-7.1-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 37. ~~(a) The board shall appoint a director to be the chief administrative officer of the state library.~~

~~(b)~~ To qualify for the position of director, a person must:

- (1) be a graduate of a college or university of recognized standing;
- (2) have had special training in the technique and organization of library service;
- (3) possess such other qualifications as the board, in its discretion, may deem necessary.

~~(c) The director may be removed by the board at any time for cause.~~

SECTION 38. IC 4-23-7.1-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 38. ~~(a) All state library employees, except the director, shall be selected by the director with the approval of the board and may be removed by the director for cause at any time with the approval of the board.~~

~~(b)~~ **(a)** In making selections for employment, recognition shall be given to the fact that all certified librarians are under the Library Certification Act. ~~and that other staff personnel are under IC 4-15-2.~~

~~(c)~~ **(b)** Any or all of the state library employees must have had such academic preparation and special training for the work which they are required to perform as may be prescribed in rules promulgated by the board.

(d) The board may provide that appointments may be made only after the applicant has successfully passed an examination given by the board or some person designated by the board.

(e) No employee of the state library may directly or indirectly solicit subscription or contribution for any political party or political purpose; or be forced in any way to make such contribution; or be required to participate in any form of political activity.

(f) The state budget agency shall fix the compensation of the director. The director shall fix the compensation of the employees of the state library with the approval of the board and the state budget agency.

SECTION 39. IC 4-23-7.1-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 39. **(a)** The Indiana state library advisory council is established for the purpose of advising the ~~board~~ and the state librarian concerning:

- (1)** general policies of the **Indiana** state library;

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- (2) plans or programs for library development and interlibrary cooperation;
- (3) library research;
- (4) professional development for librarians;
- (5) standards and rules for library services;
- (6) administration and distribution of state and federal funds; and
- (7) other matters as requested by the board and the state librarian.

(b) The advisory council consists of ~~no fewer than~~ **at least** fifteen (15) members.

(c) The membership of the council must be broadly representative and comply with the requirements established by the federal Department of Education under 34 ~~C.F.R.~~ **CFR** 770.

(d) The board shall appoint the members of the council with nominations for appointment from library organizations and the state librarian.

(e) Members of the advisory council shall serve two (2) year terms.

(f) A member of the advisory council is not entitled to:

- (1) the minimum salary per diem provided by IC 4-10-11-2.1(b); or
- (2) reimbursement from state funds for traveling expenses and other expenses actually incurred in connection with the member's duties.

SECTION 40. IC 4-23-7.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter:

(1) "Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.

(2) "Board" means the ~~Indiana~~ library and historical **advisory** board established by ~~IC 4-23-7-2~~ **IC 4-23-7-1**.

(~~3~~) "Department" means the Indiana library and historical department established by ~~IC 4-23-7-1~~.

(~~4~~) (3) "Director" means **the** director of the Indiana historical bureau.

(~~5~~) (4) "Historical bureau" means the Indiana historical bureau established by ~~IC 4-23-7-3~~ **within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(4)**.

(~~6~~) (5) "Library" means the Indiana state library established by ~~IC 4-23-7-3~~ **within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(6)**.

SECTION 41. IC 4-23-7.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The historical bureau

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may compile and publish digests, reports, and bulletins of purely informational or statistical character on any question which the board may deem to be of interest or value to the people of the state. Any expenses which may be incurred in the publication of any such digest, report, or bulletin shall be defrayed out of the funds which may be appropriated for the use of the department **of Indiana heritage and cultural resources** or the historical bureau.

SECTION 42. IC 4-23-7.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The historical bureau may cooperate with any of the educational institutions of the state or other institutions, organizations, or individuals for the purpose of meeting its responsibilities in any manner and to any extent which may be approved by the ~~board~~: **director**.

SECTION 43. IC 4-23-7.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. All expenses incurred in the preparation, compilation, printing, binding, and publication of the volumes of source and other historical material issued by the historical bureau shall be defrayed out of funds at the disposal of the bureau which may be appropriated by law for that purpose, and shall be printed by the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**, and under the terms of any contract which the state may have executed and entered into for public printing, and under the direction and supervision of the historical bureau.

SECTION 44. IC 4-23-7.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. One (1) copy of each publication issued by the historical bureau shall be furnished to each public library in the state, and the board may furnish copies free of charge to such other persons, institutions, or departments as in its judgment may be entitled thereto. The copies so remaining shall be sold by the bureau at a price which shall be fixed by the ~~board~~: **director**.

SECTION 45. IC 4-23-7.2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The governors' portraits collection is placed in the custody of the Indiana historical bureau. The collection shall be permanently displayed in public areas of the state house under the supervision of the historical bureau, which is charged with its care and maintenance.

(b) The director shall inspect each painting in the collection annually in the company of one (1) or more experts in the field of art conservation selected by the director.

(c) After the inauguration of each governor, the director, with the

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concurrence of the governor, shall select and commission an artist to paint the governor's portrait. The portrait must be hung in the permanent collection immediately following the completion and acceptance of the portrait by the director and the governor.

(d) The historical bureau shall include in its budget requests the amount it deems necessary to provide for the proper care, maintenance, and display of the governors' portraits collection, and the amount necessary to commission the painting of an oil portrait of each governor for the collection. The historical bureau may use appropriated funds or any other funds provided for these purposes.

(e) The director, in discharging the duties under this section, shall use the appropriate cultural and technical resources of the state, including the department of ~~natural~~ **Indiana heritage and cultural** resources and the Indiana department of administration.

SECTION 46. IC 4-23-7.2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The historical bureau shall establish the Indiana historical marker program for marking historical sites in Indiana. As a part of this program, the historical bureau shall fix a state format for historical markers. No person may erect an historical marker in the state format without the approval of the historical bureau. All historical markers in the state format shall be provided by the historical bureau using appropriated funds, local matching funds, donations, grants, or any other funds provided for that purpose according to the guidelines and rules of the historical marker program.

(b) The ~~board~~ **director** may appoint a historical marker advisory committee to serve without compensation. The committee may advise the board and the director concerning the following:

- (1) Guidelines and rules for the historical marker program.
- (2) Appropriate sites to be marked.
- (3) Other matters concerning the historical marker program as requested by ~~the board~~ or the director.

(c) Historical markers approved under this section become the property of the state. Maintenance of state historical markers is part of the historical marker program. The historical bureau may cooperate with individuals, local and state agencies, and private institutions and organizations for the maintenance of the historical markers. Funds made available to the historical marker program, as approved by the ~~board~~, **director**, may be used for necessary maintenance.

(d) No historical marker may be erected on a highway of the state highway system without the approval of the historical bureau as to its historical accuracy. This provision is in addition to any other

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requirement of law.

SECTION 47. IC 4-23-7.2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The ~~board~~ **director** may ~~promulgate~~ **adopt** rules under IC 4-22-2 to carry out the provisions and purpose of this chapter.

SECTION 48. IC 4-23-7.2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The historical bureau shall be organized in such manner as determined by the director with the ~~approval~~ **advice** of the board. The duties of the historical bureau established by law may be supplemented by the board according to its discretion.

SECTION 49. IC 4-23-7.2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. ~~(a) The board shall appoint a director to be the chief administrative officer of the historical bureau.~~

~~(b)~~ To qualify for the position of director, a person must:

- (1) be a graduate of a college or university of recognized standing;
- (2) have had special training in the nature, relative value, and use of historical source material;
- (3) have had special training in the editing of historical publications; and
- (4) possess such other qualifications as the board, in its discretion, may deem necessary.

~~(c) The director may be removed by the board at any time for cause.~~

SECTION 50. IC 4-23-7.2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. ~~(a) All historical bureau employees, except the director, shall be selected by the director with the approval of the board and may be removed by the director for cause at any time with the approval of the board.~~

~~(b) Any or all of the Historical bureau employees must have had such academic preparation and special training for the work which they are required to perform as may be prescribed in rules promulgated by the board.~~

~~(c) The board may provide that appointments may be made only after the applicant has successfully passed an examination given by the board or some person designated by the board.~~

~~(d) The state budget agency shall fix the compensation of the director. The director shall fix the compensation of the employees of the historical bureau, with the approval of the board and the state budget agency.~~

~~(e) No employee of the historical bureau may directly or indirectly~~

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solicit subscription or contribution for any political party or political purpose; or be forced in any way to make such contribution; or be required to participate in any form of political activity:

(f) All historical bureau employees are under IC 4-15-2.

SECTION 51. IC 4-23-7.2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. The ~~board~~ **director** may appoint an advisory committee of not to exceed nine (9) members, who shall consult and advise with the director of the historical bureau concerning the publication of historical material, the promotion of the interest of the historical societies of Indiana, and in the conduct of the historical work of the state generally. The **advisory** committee ~~so appointed~~ shall serve without compensation.

SECTION 52. IC 4-23-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. Express power and authority is hereby given to the Indiana **state** library and **the Indiana** historical ~~board~~ **bureau** to accept gifts, bequests, and devises of personal and real property for the maintenance, use or benefit of the Indiana **state** library and **the Indiana** historical ~~department~~ **bureau**, respectively.

SECTION 53. IC 4-23-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. ~~Said~~ **The** Indiana **state** library and **the Indiana** historical ~~board~~ **bureau** may accept such gifts, bequests, and devises as provided in section 1 ~~hereof~~, **of this chapter** with such terms and conditions and with such obligations, liabilities, and burdens as are imposed thereon when, in the judgment of ~~said board~~ **the bureau** and with the approval of the ~~governor~~ **commissioner of the department of Indiana heritage and cultural resources**, it ~~shall be~~ **is** determined that it is for the best interest of ~~said department~~ **the Indiana state library or the Indiana historical bureau** to do so. ~~Provided~~, However, ~~That no~~ **an** obligation, liability, or burden ~~shall~~ **may not** be assumed on account thereof in excess of appropriations made by law and applicable to the payment of such obligations, liabilities, and burdens.

SECTION 54. IC 4-23-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. Any law to the contrary notwithstanding, any gift, bequest, or devise received by ~~said~~ **the Indiana state library and or Indiana historical board**, ~~shall~~ **bureau** ~~is not be~~ required to be covered into the general fund, but shall be administered by ~~said board~~ **the Indiana state library or the Indiana historical bureau** according to the terms of said gift, bequest, or devise.

SECTION 55. IC 4-23-9-1 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The annual reports of the meetings of the Indiana Academy of Science, beginning with the report for the year 1894, including all papers of scientific or economic value presented at such meetings, after they shall have been edited and prepared for publication, shall be published by the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5).**

SECTION 56. IC 4-23-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The reports shall be edited and prepared for publication without expense to the state, by a corps of editors to be selected and appointed by the Indiana Academy of Science, who shall not, by reason of such services, have any claim against the state for compensation. The form, style of binding, paper, typography and manner and extent of illustration of the reports shall be determined by the editors, subject to the approval of the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5).** Not less than fifteen hundred (1,500) nor more than three thousand (3,000) copies of each of said reports shall be published, the size of the edition to be determined by the concurrent action of the editors and the commission on public records.

SECTION 57. IC 4-34-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Money in the fund shall be allocated annually to libraries, including the INSPIRE project.

(b) The Indiana ~~state library and historical board~~ established by ~~IC 4-23-7-2~~ **IC 4-34.1-2-2(6)** and the budget agency may jointly make rules necessary or appropriate to the administration of this chapter.

(c) Each library in Indiana is entitled in each calendar year to apply to the Indiana ~~state library and historical board~~ for a grant for a technology project. From time to time, but not more often than semiannually, the Indiana ~~state library and historical board~~ shall make recommendations to the budget agency as to grants from the Indiana technology fund. After review by the budget committee established by IC 4-12-1-3 and approval by the governor, the budget agency may allot money to the Indiana ~~state library and historical board~~ for the grants."

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"Sec. 4. "Fund" for purposes of IC 4-34.1-2-5, refers to the Indiana heritage and cultural resources fund."

Page 1, line 13, delete "Sec. 4." and insert "Sec. 5."

Page 1, line 13, delete "and present" and insert ", present, and future".

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Page 2, line 2, after "Indiana;" delete "and".

Page 2, line 3, delete "cultures." and insert **"culture; and"**.

Page 2, between lines 3 and 4, begin a new line block indented and insert:

"(5) cultural resources, including art, music, cuisine, literature, and humanities."

Page 2, line 16, delete "department consists of the office of the" and insert **"following are established within the department:**

- (1) The office of the commissioner (IC 4-34.1-3).**
- (2) The division of historical preservation and archeology (IC 14-21).**
- (3) The division of state museums and historic sites (IC 14-20).**
- (4) The Indiana historical bureau (IC 4-23-7).**
- (5) The commission on public records (IC 5-15-5.1).**
- (6) The Indiana state library (IC 4-23-7).**
- (7) The Wabash River heritage corridor commission (IC 14-13-6).**
- (8) The state house tour office.**
- (9) The historic bridge marketing program."**

Page 2, delete line 17.

Page 2, line 31, delete "department of".

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"Sec. 6. The governor shall, with the recommendation of the commissioner, appoint the director of each division, bureau, or other agency established within the department.

Sec. 7. Except for the salary and compensation of the commissioner, the salaries and compensation of the directors appointed under section 6 of this chapter shall be fixed by the commissioner and approved by the budget agency as provided in IC 4-12-1-13.

Sec. 8. Each director appointed under section 6 of this chapter shall:

- (1) with the approval of the commissioner and in the manner provided by IC 4-15-2, appoint the employees that are hired within the director's division; and**
- (2) fix the employees' compensation, subject to the approval of the budget agency under IC 4-12-1-13.**

An employee may be removed by the director for cause at any time with the approval of the commissioner.

Sec. 9. (a) The commissioner shall:

- (1) enter into an agreement with another state agency to provide; or**

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(2) appoint;
administrative law judges for the department.

(b) A person who is not an administrative law judge under subsection (a) may not act as an administrative law judge under this article.

(c) An administrative law judge is subject to IC 4-15-2.

(d) The commissioner may create a division of hearings to assist in performing the functions of this section.

Sec. 10. (a) As used in this section, "heritage and cultural agency" refers to a division, bureau, or other agency established within the department under IC 4-34.1-2-2. The term includes any board or commission that is within a heritage and cultural agency.

(b) The rules adopted before July 1, 2009, concerning a heritage and cultural agency shall be treated, after June 30, 2009, as rules of the department.

(c) On July 1, 2009, all powers, duties, property, assets, and liabilities of a heritage and cultural agency are transferred to the department of Indiana heritage and cultural resources established by this article as the successor agency.

(d) On July 1, 2009, all powers, duties, assets, and liabilities that are attributable to a heritage and cultural agency are transferred to the department.

(e) After June 30, 2009, any reference to:

(1) a heritage and cultural agency in a statute or rule concerning the heritage and cultural agency shall be treated as a reference to the department of Indiana heritage and cultural resources;

(2) a heritage and cultural agency in a statute or rule shall be treated as a reference to the department of Indiana heritage and cultural resources; and

(3) the director of a heritage and cultural agency in a statute or rule shall be treated as a reference to the commissioner of the department of Indiana heritage and cultural resources.

(f) The transfers made under this section from a heritage and cultural agency to the department do not affect:

(1) any rights or liabilities accrued;

(2) any penalties incurred;

(3) any violations committed;

(4) any proceedings begun;

(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;

(6) any tax levies made or authorized;

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- (7) any funds established;
- (8) any patents issued;
- (9) the validity, continuation, or termination of any contracts, easements, or leases executed;
- (10) the validity, continuation, expiration, scope, termination, suspension, or revocation of:
 - (A) permits;
 - (B) licenses;
 - (C) certificates of registration;
 - (D) grants of authority; or
 - (E) limitations of authority;

before July 1, 2009 Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall continue to be imposed and enforced."

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"Sec. 4. The commissioner shall supervise the work of the department.

Sec. 5. The commissioner may adopt rules under IC 4-22-2 that are necessary to administer the department and the duties of the commissioner.

SECTION 59. IC 5-15-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Any officer, office, court, commission, board, institution, department, agent, or employee of the state, county, or any political subdivision being charged with the duty or authorized or required by law to record, preserve, keep, maintain, or file any record, document, plat, paper or instrument-in-writing, may, whenever any such officer, office, court, commission, board, institution, department, agent, or employee of the state, county, or any political subdivision shall deem it necessary, for the purpose of recording or copying same, preserving and protecting same, reducing space required for storage or filing of same, or any similar purpose, have or cause to have any or all such records recorded, copied, or reproduced by any photostatic, photographic, micrographic, electronic, or other process which correctly and accurately copies or reproduces, recreates, or forms a medium of copying or reproducing the original record, document, plat, paper, or instrument-in-writing. Any officer, office, court, commission, board, institution, department, agent, or employee of the state may have or cause to have records recorded, copied, or reproduced under this subsection by any optical imaging

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process that correctly and accurately copies or reproduces, recreates, or forms a medium of copying or reproducing the original record, document, plat, paper, or instrument-in-writing.

(b) The original filing record may be destroyed if:

- (1) the record has been copied or is capable of being reproduced or recreated under subsection (a); and
- (2) the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**, as to state records, or the commission of public records of the respective county, as to records of counties and other local units of government, has decided to destroy the original record.

(c) Copies, recreations, or reproductions made under subsection (a):

- (1) shall have the same force and effect at law as the original record destroyed under subsection (b); and
- (2) shall be received as evidence in any court where the original record could have been so introduced;

if the recreations, copies, or reproductions are properly certified as to authenticity and accuracy by a duly constituted official custodian of such records.

(d) All micrographics processes done under this chapter shall comply with the quality standards developed under IC 5-15-5.1-8.

(e) This section does not apply to the state court administration division of the supreme court.

SECTION 60. IC 5-15-5.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter:

"Commission" means the commission on public records ~~created by this chapter:~~ **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5).**

"Record" means all documentation of the informational, communicative or decisionmaking processes of state government, its agencies and subdivisions made or received by any agency of state government or its employees in connection with the transaction of public business or government functions, which documentation is created, received, retained, maintained, or filed by that agency or its successors as evidence of its activities or because of the informational value of the data in the documentation, and which is generated on:

- (1) paper or paper substitutes;
- (2) photographic or chemically based media;
- (3) magnetic or machine readable media; or
- (4) any other materials, regardless of form or characteristics.

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"Nonrecord materials" means all identical copies of forms, records, reference books, and exhibit materials which are made, or acquired, and preserved solely for reference use, exhibition purposes, or publication and which are not included within the definition of record.

"Personal records" means:

- (1) all documentary materials of a private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of a public official, including: diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting government business; or
- (2) materials relating to private political associations, and having no relation to or effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of a public official and are not deemed public records.

"Form" means every piece of paper, transparent plate, or film containing information, printed, generated, or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving the state.

"Agency" means any state office, department, division, board, bureau, commission, authority, or other separate unit of state government established by the constitution, law, or by executive or legislative order.

"Public official" means an individual holding a state office created by the Constitution of Indiana, by act or resolution of the general assembly, or by the governor; all officers of the executive and administrative branch of state government; and all other officers, heads, presidents, or chairmen of agencies of state government.

"Indiana state archives" means the program maintained by the commission for the preservation of those records and other government papers that have been determined by the commission to have sufficient permanent values to warrant their continued preservation by the state.

"Forms management" means the program maintained by the commission to provide continuity of forms design procedures from the form's origin up to its completion as a record by determining the form's size, style and size of type; format; type of construction; number of plies; quality, weight and type of paper and carbon; and by determining the use of the form for data entry as well as the distribution.

"Information management" means the program maintained by the commission for the application of management techniques to the

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purchase, creation, utilization, maintenance, retention, preservation, and disposal of forms and records undertaken to improve efficiency and reduce costs of recordkeeping; including management of filing and microfilming equipment and supplies, filing and information retrieval systems, files, correspondence, reports and forms management, historical documentation, micrographic retention programming, and critical records protection.

"Records center" means a program maintained by the commission primarily for the storage, processing, retrieving, servicing, and security of government records that must be retained for varying periods of time but should not be maintained in an agency's office equipment or space.

"Critical records" means records necessary to resume or continue governmental operations, the reestablishing of the legal and financial responsibilities of government in the state, or to protect and fulfill governmental obligations to the citizens of the state.

"Retention schedule" means a set of instructions prescribing how long, where, and in what form a record series shall be kept.

"Records series" means documents or records that are filed in a unified arrangement, and having similar physical characteristics or relating to a similar function or activity.

"Records coordinator" means a person designated by an agency to serve as an information liaison person between the agency and the commission.

SECTION 61. IC 5-15-5.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. ~~There is created~~ The commission on public records **to established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)** shall administer this chapter for the administrative and executive branches of state government. The commission shall adopt a seal which shall be the seal of the state of Indiana. The commission shall offer its services to the legislative and judicial branches of state government.

SECTION 62. IC 5-15-5.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. ~~(a)~~ **Subject to the approval of the governor, the commissioner of the department of Indiana heritage and cultural resources** shall appoint a director as the executive head of the commission. The director must be versed in the principles of information and forms management, archives, and the affairs and organization of state government. The director shall serve a term of four (4) years. However, the director may be removed for cause by the governor. It is the intent of the general assembly that the director be a person who is qualified by training and experience to administer the affairs of the commission and that the director's tenure

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of office is limited only by the director's ability and the proper performance of the director's duties.

(b) ~~The director, subject to the approval of the governor and the budget agency, shall appoint such staff as necessary to implement this chapter.~~

(c) ~~The salary of the director is subject to the approval of the governor and the budget agency. Salaries of the staff are subject to the approval of the state personnel department and the budget agency. The provisions of IC 4-15-2 apply to the staff of the commission.~~

SECTION 63. IC 5-15-5.1-18, AS AMENDED BY P.L.177-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) The oversight committee on public records consists ex officio of:

- (1) the governor or the governor's designee;
- (2) the secretary of state or the secretary's designee;
- (3) the state examiner of the state board of accounts or the state examiner's designee;
- (4) the director of the state library;
- (5) the director of the historical bureau;
- (6) the director of the commission on public records;
- (7) the commissioner of the department of administration or the commissioner's designee;
- (8) the public access counselor; and
- (9) the chief information officer of the office of technology appointed under IC 4-13.1-2-3 or the chief information officer's designee.

(b) The oversight committee also consists of two (2) lay members appointed by the governor for a term of four (4) years. One (1) lay member shall be a professional journalist or be a member of an association related to journalism.

(c) The oversight committee shall elect one (1) of its members to be chairman. The director of the commission on public records shall be the secretary of the committee. The ex officio members of the oversight committee shall serve without compensation and shall receive no reimbursement for any expense which they may incur. Each lay member is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures, established by the department of administration and approved by the budget agency and each lay member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

SECTION 64. IC 5-15-5.1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) It is the duty of

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the oversight committee to:

(1) function as the **policy making advisory** body for the commission; and

(2) ~~determine~~ **recommend** what records have no apparent official value but should be preserved for research or other purposes.

(b) The oversight committee shall maintain a master list of all record series that are classified as confidential by statute or rule.

(c) The oversight committee ~~has final~~ **shall recommend** approval of all record retention schedules.

(d) The oversight committee ~~has final approval of~~ **shall recommend** a fee schedule established by the commission under section 5(a)(16) of this chapter.

SECTION 65. IC 5-15-5.1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) The oversight committee shall:

(1) ~~establish~~ **recommend** standards for safeguarding personal information systems ~~that shall to~~ be followed by agencies maintaining such systems;

(2) ~~approve~~ **recommend** the content of all forms that involve confidential records; and

(3) **require recommend the** use of archival quality paper for records that the commission determines should be preserved indefinitely.

(b) The oversight committee ~~may adopt~~ **may recommend the adoption of** rules under IC 4-22-2 necessary for the performance of ~~its~~ **the commission's** duties, consistent with this chapter and other applicable Indiana laws.

SECTION 66. IC 5-15-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) It shall be the duty of the county commission to determine the following:

(1) Which public records, if any, are no longer of official or historical value.

(2) Which public records are of current official value and should be retained in the office where they are required to be filed.

(3) Which public records are of official value but are consulted and used so infrequently that they are no longer of appreciable value to the officer with whom they are required to be filed.

(4) Which public records are of no apparent official value but which do have historical value.

(b) The county commission may request the assistance of the commission on public records established ~~under IC 5-15-5.1~~ **within the department of Indiana heritage and cultural resources** by

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IC 4-34.1-2-2(5) in developing records management programs.

SECTION 67. IC 5-22-22-1, AS AMENDED BY P.L.188-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This chapter applies only to personal property owned by a governmental body.

(b) This chapter does not apply to dispositions of property described in any of the following:

- (1) IC 5-22-21-1(b).
- (2) IC 36-1-11-5.5.
- (3) IC 36-1-11-5.7.

(c) This chapter does not apply to any of the following:

- (1) The disposal of property under an urban homesteading program under IC 36-7-17.
- (2) The lease of school buildings under IC 20-47.
- (3) The sale of land to a lessor in a lease-purchase contract under IC 36-1-10.
- (4) The disposal of property by a redevelopment commission established under IC 36-7.
- (5) The leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3.
- (6) The disposal of a municipally owned utility under IC 8-1.5.
- (7) The sale or lease of property by a unit (as defined in IC 36-1-2-23) to an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code or the sale or reletting of that property by the nonprofit corporation.
- (8) The disposal of surplus property by a hospital established and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.
- (9) The sale or lease of property acquired under IC 36-7-13 for industrial development.
- (10) The sale, lease, or disposal of property by a local hospital authority under IC 5-1-4.
- (11) The sale or other disposition of property by a county or municipality to finance housing under IC 5-20-2.
- (12) The disposition of property by a soil and water conservation district under IC 14-32.
- (13) The disposal of surplus property by the health and hospital corporation established and operated under IC 16-22-8.
- (14) The disposal of personal property by a library board under

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IC 36-12-3-5(c).

(15) The sale or disposal of property by the historic preservation commission under IC 36-7-11.1.

(16) The disposal of an interest in property by a housing authority under IC 36-7-18.

(17) The disposal of property under IC 36-9-37-26.

(18) The disposal of property used for park purposes under IC 36-10-7-8.

(19) The disposal of textbooks that will no longer be used by school corporations under IC 20-26-12.

(20) The disposal of residential structures or improvements by a municipal corporation without consideration to:

(A) a governmental body; or

(B) a nonprofit corporation that is organized to expand the supply or sustain the existing supply of good quality, affordable housing for residents of Indiana having low or moderate incomes.

(21) The disposal of historic property without consideration to a nonprofit corporation whose charter or articles of incorporation allows the corporation to take action for the preservation of historic property. As used in this subdivision, "historic property" means property that is:

(A) listed on the National Register of Historic Places; or

(B) eligible for listing on the National Register of Historic Places, as determined by the division of historic preservation and archeology **of established within** the department of **natural Indiana heritage and cultural** resources by **IC 4-34.1-2-2(2).**

(22) The disposal of real property without consideration to:

(A) a governmental body; or

(B) a nonprofit corporation that exists for the primary purpose of enhancing the environment;

when the property is to be used for compliance with a permit or an order issued by a federal or state regulatory agency to mitigate an adverse environmental impact.

(23) The disposal of property to a person under an agreement between the person and a governmental body under IC 5-23.

SECTION 68. IC 5-28-13-5, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The center shall establish an information file on all state agency permit requirements that affect business activities in Indiana. The center shall:

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- (1) develop methods for maintaining, updating, and providing ready access to the information file;
- (2) use the information file to provide comprehensive information concerning permit requirements affecting business activities; and
- (3) use the information file to provide the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)** with information that will enable the commission to consolidate, simplify, expedite, or otherwise improve permit procedures.

SECTION 69. IC 6-1.1-6.8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "director" refers to the director of the division of historic preservation and archeology of the department of ~~natural~~ **Indiana heritage and cultural** resources.

SECTION 70. IC 6-3.1-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "division" means the division of historic preservation and archaeology ~~of established within~~ the department of ~~natural~~ **Indiana heritage and cultural** resources by IC 4-34.1-2-2(2).

SECTION 71. IC 6-3.1-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "division" means the division of historic preservation and archeology ~~of established within~~ the department of ~~natural~~ **Indiana heritage and cultural** resources by IC 4-34.1-2-2(2).

SECTION 72. IC 10-18-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The commission shall employ an individual who is responsible for the care and preservation of all personal property owned by the commission that has historic significance.

(b) The individual employed by the commission under subsection (a) must meet the qualifications set by the division of state museums and historic sites of the department of ~~natural~~ **Indiana heritage and cultural** resources.

SECTION 73. IC 13-14-1-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11.5. (a) If the department proposes to utilize a policy or statement that:

- (1) interprets, supplements, or implements a statute or rule;
 - (2) has not been adopted in compliance with IC 4-22-2;
 - (3) is not intended by the department to have the effect of law; and
 - (4) is not related solely to internal department organization;
- the proposed policy or statement may not be put into effect until the

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requirements of subsection (b) have been met.

(b) The department shall present the proposed policy or statement under subsection (a) to the appropriate board. At least forty-five (45) days before the presentation, the department shall make available to the public, including posting on the department's web site:

- (1) the proposed policy or statement;
- (2) information on the availability for public inspection of all materials relied upon by the department in the development of the proposed policy or statement, including, if applicable:
 - (A) health criteria;
 - (B) analytical methods;
 - (C) treatment technology;
 - (D) economic impact data;
 - (E) environmental assessment data; and
 - (F) other background data;
- (3) the date, time, and location of the presentation under this subsection to the appropriate board; and
- (4) information regarding the opportunity for a person to comment to the department and the appropriate board on the proposed policy or statement before or at the time of the presentation under this subsection.

The department shall provide to the appropriate board at the time of the presentation under this subsection a copy of all comments made by a person under subdivision (4). The proposed policy or statement may not be put into effect until thirty (30) days after the policy or statement is presented to the appropriate board.

(c) If the department utilizes a policy or statement described in subsection (a), the department shall distribute:

- (1) two (2) copies of the policy or statement to the publisher of the Indiana Register for publication in the Indiana Register; and
- (2) the copies required under IC 4-23-7.1-26 to the Indiana **state** library. ~~and historical department.~~

(d) The department shall:

- (1) maintain a current list of all department policies and statements described in subsection (a) that the department may use in the department's external affairs; and
- (2) update the list at least one (1) time each month.

(e) The department shall include the following information on the list described in subsection (d) for each policy or statement:

- (1) The title of the policy or statement.
- (2) The identification number of the policy or statement.
- (3) The date the policy or statement was originally adopted.

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- (4) The date the policy or statement was last revised.
- (5) A reference to all other policies or statements described in subsection (a) that are repealed or amended by the policy or statement.
- (6) A brief description of the subject matter of the policy or statement.

(f) At least one (1) time every three (3) months, the department shall distribute two (2) copies of the list maintained and updated under subsection (d) to the following:

- (1) The publisher of the Indiana Register.
- (2) The Indiana ~~state~~ library. ~~and historical department.~~

SECTION 74. IC 14-8-2-48.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 48.5. "Commissioner", for purposes of IC 14-13-6, IC 14-20, and IC 14-21, refers to the commissioner of the department of Indiana heritage and cultural resources established by IC 4-34.1-2-1.**

SECTION 75. IC 14-8-2-67, AS AMENDED BY P.L.120-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 67. (a) "Department", except for purposes of ~~IC 14-32~~, **as provided in subsections (b) and (c)**, refers to the department of natural resources.

(b) "Department", for purposes of IC 14-20-1, refers to the department of Indiana heritage and cultural resources established by IC 4-34.1-2-1.

~~(b)~~ **(c) "Department" for purposes of IC 14-32, refers to the Indiana state department of agriculture established by IC 15-11-2-1."**

Page 3, line 20, strike "IC 14-20-1".

Page 3, line 20, delete "and IC 14-20-1.1," and insert "**IC 14-20**".

Page 3, line 23, delete "." and insert "**of the department of Indiana heritage and cultural resources.**".

Page 5, delete lines 23 through 42.

Page 6, delete lines 1 through 18, begin a new paragraph and insert:.

"SECTION 78. IC 14-9-4-1, AS AMENDED BY P.L.1-2006, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The following divisions are established within the department:

- (1) Accounting.
- (2) Administrative support services.
- (3) Budget.
- (4) Engineering.
- (5) Entomology and plant pathology.

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- (6) Fish and wildlife.
- (7) Forestry.
- ~~(8) Historic preservation and archeology.~~
- ~~(9) (8) Human resources.~~
- ~~(10) (9) Internal audit.~~
- ~~(11) (10) Land acquisition.~~
- ~~(12) (11) Law enforcement.~~
- ~~(13) (12) Management information systems.~~
- ~~(14) (13) Nature preserves.~~
- ~~(15) (14) Oil and gas.~~
- ~~(16) (15) Outdoor recreation.~~
- ~~(17) (16) Public information and education.~~
- ~~(18) (17) Reclamation.~~
- ~~(19) (18) Reservoir management.~~
- ~~(20) (19) Safety and training.~~
- ~~(21) State museums and historic sites.~~
- ~~(22) (20) State parks.~~
- ~~(23) (21) Water.~~

SECTION 79. IC 14-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to the property managers of each of the following divisions of the department:

- (1) State parks.
- (2) Forestry.
- (3) Fish and wildlife.
- (4) Reservoir management.
- ~~(5) State museums and historic sites.~~

SECTION 80. IC 14-12-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The purpose of the Indiana heritage trust program and this chapter is to acquire real property or interests in real property that:

- (1) is an example of outstanding natural features and habitats;
- (2) has historical and archeological significance; and
- (3) provides areas for conservation, recreation, and the restoration of native biological diversity.

(b) The Indiana heritage trust program shall acquire real property for new and existing state parks, state forests, nature preserves, fish and wildlife areas, wetlands, trails, **historical and archeological sites**, and river corridors. The program shall ensure that Indiana's rich natural heritage is preserved or enhanced for succeeding generations.

(c) It is not the purpose of the Indiana heritage trust program to acquire property for resale to the federal government. However, the

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sale of property acquired under this chapter to the federal government is not prohibited.

SECTION 81. IC 14-12-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) The Indiana heritage trust project committee is established.

(b) The project committee consists of the following sixteen (16) members:

- (1) The director of the division of fish and wildlife.
- (2) The director of the division of forestry.
- (3) The director of the division of nature preserves.
- (4) The director of the division of state parks.
- (5) The director of the division of outdoor recreation.
- (6) The director of the division of state museums and historic sites **of the department of Indiana heritage and cultural resources.**
- (7) Ten (10) individuals appointed by the governor. The governor shall appoint individuals so that all the following are satisfied:
 - (A) The individuals must be residents of Indiana.
 - (B) The individuals must have a demonstrated interest or experience in:
 - (i) conservation of natural resources; or
 - (ii) management of public property.
 - (C) Each Indiana congressional district must be represented by at least one (1) individual who is a resident of that congressional district.
 - (D) The individuals must represent the following:
 - (i) The environmentalist community.
 - (ii) The academic community.
 - (iii) Organized hunting and fishing groups.
 - (iv) The forest products community.
 - (v) The parks and recreation community.

SECTION 82. IC 14-12-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. Property acquired by the state under this chapter may be managed by any of the following:

- (1) The department.
- (2) A person with whom the department enters into a management agreement under rules adopted under section 34 of this chapter.
- (3) **The department of Indiana heritage and cultural resources.**
- (4) **A person with whom the department of Indiana heritage and cultural resources enters into a management agreement under rules adopted under section 34 of this chapter.**

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SECTION 83. IC 14-12-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. The trust committee shall, with the assistance of the project committee, **the department of Indiana heritage and cultural resources**, and the department, adopt and make available to the public a strategic plan to implement the purposes of this chapter.

SECTION 84. IC 14-13-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The Wabash River heritage corridor commission is established **by IC 4-34.1-2-2(7) within the Indiana department of heritage and cultural resources.**

SECTION 85. IC 14-13-6-7, AS AMENDED BY P.L.229-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. The members of the commission are the following:

- (1) The ~~director~~ **commissioner** or the ~~director's~~ **commissioner's** designee.
- (2) One (1) individual appointed by the county executive of each county that:
 - (A) contains a part of the corridor; and
 - (B) chooses to support the activities of the commission by resolution adopted by the county executive.
- (3) The director of the Indiana department of transportation, or the director's designee, who shall serve as a nonvoting member.
- (4) The director of the division of historic preservation and archaeology of the department of ~~natural~~ **Indiana heritage and cultural** resources, or the director's designee, who shall serve as a nonvoting member.
- (5) The director of the department of environmental management, or the director's designee, who shall serve as a nonvoting member.
- (6) The director of the office of tourism development or the director's designee, who shall serve as a nonvoting member.
- (7) The president of the Indiana economic development corporation or the president's designee, who shall serve as a nonvoting member.

SECTION 86. IC 14-13-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The ~~director~~ **commissioner** may designate an individual to act on the ~~director's~~ **commissioner's** behalf under this chapter.

SECTION 87. IC 14-13-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The commission shall select a president and vice president. The ~~director~~ **commissioner** shall act as secretary of the commission.

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SECTION 88. IC 14-13-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) The Wabash River heritage corridor commission fund is established for the purpose of paying:

- (1) reimbursement of the expenses of members under section 13 of this chapter;
- (2) other administrative costs and expenses reasonably incurred under this chapter, including expenses for publications and postage; and
- (3) costs incurred in fulfilling the directives of the Wabash River heritage corridor commission master plan, including multi-county projects and marketing and educational tools such as video tape productions, signs, and promotional literature.

(b) The fund shall be administered by the ~~director~~ **commissioner** under the direction of the commission.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The sources of money for the fund are:

- (1) appropriations made to the fund; and
- (2) any other funds obtained by the commission under section 22 of this chapter.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a fiscal year does not revert to the state general fund.

SECTION 89. IC 14-13-6-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. Upon request from the commission, the ~~director~~ **commissioner** shall provide the commission with reasonable administrative support services to aid in carrying out the purposes of this chapter.

SECTION 90. IC 14-13-6-22, AS AMENDED BY P.L.27-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. (a) The commission is authorized to do the following:

- (1) Hold public hearings.
- (2) Request the presence and participation at a commission meeting of representatives of any governmental or private entity that has an interest in natural resources, tourism, historic preservation, archaeology, or environmental issues.
- (3) Enter into contracts, within the limit of available funds, with

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individuals, organizations, and institutions for services that further the purposes of this chapter.

(4) Enter into contracts, within the limit of available funds, with local and regional nonprofit corporations and associations for cooperative endeavors that further the purposes of this chapter.

(5) Enter with governmental and private entities into cooperative agreements that further the purposes of this chapter.

(6) Receive appropriations of federal funds.

(7) Accept gifts, contributions, and bequests of funds from any source.

(8) Apply for, receive, and disburse funds available from the state or federal government in furtherance of the purposes of this chapter, and enter into any agreements that may be required as a condition of obtaining the funds.

(9) Enter into any agreement and perform any act that is necessary to carrying out the duties of the commission and the purposes of this chapter.

(b) The following conditions apply to the handling and disbursement of any funds that the commission receives under subsection (a)(8):

(1) The department of **Indiana heritage and cultural resources** shall provide accounting services pertaining to the funds.

(2) The commission may appoint an individual to act as treasurer of the commission for purposes of the handling and disbursement of the funds.

(3) All expenditures must be reviewed by the commission at a meeting of the commission.

(4) A claim against the funds may not be paid without the signature of the director or the director's designee.

SECTION 91. IC 14-20-1-1.5, AS AMENDED BY P.L.66-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) The state museum development fund is established for the purpose of promoting interest in and use of the Indiana state museum.

(b) The state museum development fund shall be administered by the department of **Indiana heritage and cultural resources** or an entity designated by the department of **Indiana heritage and cultural resources**. The state museum development fund consists of revenue generated by exhibit fees, concessions, donations, grants, and other miscellaneous revenue. Money in the state museum development fund at the end of a state fiscal year does not revert to the state general fund.

(c) The balance of the state museum development fund is

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continuously appropriated and may be used at the request of the department with the approval of the budget agency after review by the budget committee.

SECTION 92. IC 14-20-1-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.7. As used in this chapter, "commissioner" refers to the commissioner of the department.**

SECTION 93. IC 14-20-1-1.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.8. As used in this chapter, "department" refers to the department of Indiana heritage and cultural resources established by IC 4-34.1-2-1.**

SECTION 94. IC 14-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "division" refers to the division of state museums and historic sites **established by IC 4-34.1-2-2(3).**".

Page 7, between lines 19 and 20, begin a new paragraph and insert: "SECTION 96. IC 14-20-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) This section applies to the negotiation and execution of a lease of historical property on which the department desires certain facilities to be provided. However, this section does not apply to a lease of historic property to:

- (1) a political subdivision; or
- (2) a state agency.

(b) The department shall prepare and publicize through appropriate media a statement of intent that does the following:

- (1) Describes the facilities that the department desires to be provided on the historic property.
- (2) Sets forth a procedure for the submission of proposals by persons proposing to lease the historic property and provide the facilities.

(c) A statement of intent prepared under subsection (b) must appear in at least three (3) legal advertisements at ten (10) day intervals in at least five (5) daily newspapers of wide and general circulation in Indiana.

(d) During the sixty (60) days following the publication of the final legal advertisement under subsection (c), proposals may be submitted to the department in response to the statement of intent. The department shall do the following:

- (1) Select from the proposals submitted the one (1) proposal that the department considers most appropriate for the fulfillment of the statement of intent.

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(2) Submit the proposal to the trustees and the commission for approval.

(e) If the proposal is approved in writing by the trustees and the ~~commission~~, **commissioner**, the department may negotiate a lease agreement with the party that submitted the proposal. After a lease agreement is entered into and set forth in writing, the department shall submit the lease agreement to the attorney general for review. A lease agreement that is:

- (1) negotiated;
- (2) executed by the authorized agents of the state and the lessee; and
- (3) approved by the attorney general;

under this section is a binding contract between the state and the lessee.

SECTION 97. IC 14-20-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The ~~director~~ **commissioner** may ~~with the approval of the commission~~, adopt rules under IC 4-22-2 to administer this chapter.

SECTION 98. IC 14-20-1-16, AS AMENDED BY P.L.66-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) The board of trustees for the division of state museums and historic sites **of the department of Indiana heritage and cultural resources** is established.

(b) The trustees consist of thirteen (13) members as follows:

- (1) The ~~director~~ **commissioner** of the department, who shall serve as chairman.
- (2) Twelve (12) members appointed by the governor as follows:
 - (A) One (1) member of the Indiana State Museum Foundation, Inc., nominated by the foundation.
 - (B) Two (2) members must be recognized supporters of historic sites.
 - (C) Not more than seven (7) members may be members of the same political party.
 - (D) Not more than two (2) members may be from the same county.
 - (E) Each congressional district in Indiana must be represented by at least one (1) member.

(c) The terms of the appointed members shall be staggered."

Page 7, line 33, strike "director." and insert "**commissioner**."

Page 8, delete lines 30 through 42.

Page 9, delete lines 1 through 7, begin a new paragraph and insert:

"SECTION 100. IC 14-20-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23. (a) The ~~commission~~

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commissioner may ~~on recommendation of the trustees~~, accept or refuse to accept an offered gift of historic property that would be administered by the department.

(b) The ~~commissioner~~ **commissioner** may ~~on recommendation of the trustees~~, sell, lease, or exchange historic property administered by the department under IC 4-20.5-7 or IC 5-22-22.

(c) The ~~commissioner~~ **commissioner** may, ~~on recommendation of the trustees and~~ in accordance with rules adopted by the ~~commissioner~~ **commissioner** under IC 4-22-2, sell, donate, or exchange artifacts in the museum's collection to or with other public or nonprofit museums or historical societies. However, the ~~commissioner~~ **commissioner** may donate an artifact in the museum's collection to a public or nonprofit museum or historical society under this subsection only if the museum or historical society is located in Indiana.

(d) The ~~commissioner~~ **commissioner** may ~~on recommendation of the trustees~~, adopt rules under IC 4-22-2 to establish a procedure for evaluating the merits of proposals to:

- (1) accept gifts of;
- (2) sell; or
- (3) exchange;

artifacts or historic property."

Page 9, line 17, delete "sites." and insert "**sites established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(3).**".

Page 9, line 25, delete "(a)".

Page 9, line 25, delete "IC 14-10-2-1(5)(E)" and insert "**IC 14-20-1-9**".

Page 9, delete lines 28 through 31, begin a new paragraph and insert:

"SECTION 101. IC 14-20-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The governor, auditor of state, and ~~director~~ **commissioner** may, on behalf of and in the name of the state, transfer and convey to the Tippecanoe County park and recreational board, Tippecanoe County, Indiana, all rights, title, and interest of the state, including maintenance and operating equipment, in the Tippecanoe Battle Ground Memorial at Battle Ground, Indiana. The grantee shall act as the agent of the general assembly in the performance of the general assembly's constitutional duty to preserve the Tippecanoe Battle Ground.

SECTION 102. IC 14-20-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The transfer under section 1 of this chapter is conditioned on the following:

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(1) That when the recipient is in full possession, the recipient shall forevermore maintain, develop, and use the Tippecanoe Battle Ground Memorial, by whatever name, as a general park and recreation area dedicated to the preservation of the Tippecanoe Battle Ground.

(2) That the recipient of the property does not have the right to sell, lease, or in any way transfer the control of the property, in whole or in part, to a person, a firm, a party, or an agency of government, except for use as a general park and recreation area dedicated to the preservation of the Tippecanoe Battle Ground.

(3) That a subsequent owner, lessee, or controller of the property does not have the right to use or cause the property to be used for a purpose other than a general park and recreation area dedicated to the preservation of the Tippecanoe Battle Ground.

(4) That should the property, in whole or in part, ever be used for other than the stated purpose, the ~~director~~ **commissioner** may, with approval of the governor, cause the property, in whole, to revert to the status of ownership before February 16, 1972.

SECTION 103. IC 14-20-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The commission is composed of nine (9) members as follows:

(1) The lieutenant governor or the lieutenant governor's designee.

(2) The ~~director~~ **commissioner** or the ~~director's~~ **commissioner's** designee.

(3) One (1) individual who must be an elected officer of the New Harmony town legislative body.

(4) One (1) individual who must be a representative of the University of Southern Indiana.

(5) One (1) individual who must be a representative of the Robert Lee Blaffer Trust nominated by the trustees of the Robert Lee Blaffer Trust.

(6) Four (4) other individuals, at least two (2) of whom must be residents of Posey County.

(b) The governor shall appoint the members of the commission under subsection (a)(3) through (a)(6).

SECTION 104. IC 14-20-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The ~~commission~~ **commissioner** shall receive and accept, for and on behalf of the state, the Whitewater canal system, including the feeder dam and reservoir at Laurel, Indiana, the canal, locks, aqueduct, and all other miscellaneous structures belonging to the Whitewater Canal Association, situated in Franklin County, Indiana, between Laurel,

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Indiana, and Brookville, Indiana.

SECTION 105. IC 14-20-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter does not apply if:

- (1) the Wilbur Wright memorial is transferred to the Wilbur Wright Birthplace Preservation Society after June 30, 1995; or
- (2) the ~~commission~~ **commissioner** declares the memorial to be surplus to the needs of the ~~commission~~ **commissioner** and the department.

SECTION 106. IC 14-20-15-4, AS AMENDED BY P.L.229-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The commission consists of the following members:

- (1) Six (6) members of the house of representatives, to be appointed by the speaker of the house of representatives. Not more than three (3) members appointed under this subdivision may be members of the same political party.
- (2) Six (6) members of the senate, to be appointed by the president pro tempore of the senate. Not more than three (3) members appointed under this subdivision may be members of the same political party.
- (3) The governor or the governor's designee.
- (4) The ~~director~~ **commissioner** of the department of ~~natural~~ **Indiana heritage and cultural** resources or the ~~director's~~ **commissioner** designee.
- (5) One (1) employee of the office of tourism development with expertise in the tourism or film industry, to be designated by the director of the office of tourism development.
- (6) One (1) member of the Indiana historical society, to be appointed by the governor.
- (7) Three (3) Indiana citizens, to be appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.

SECTION 107. IC 14-21-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. **(a) The division of historic preservation and archeology is established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(2).**

(b) The division of historic preservation and archeology shall administer and develop the programs and policies established by this chapter.

SECTION 108. IC 14-21-1-13, AS AMENDED BY P.L.2-2007,



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SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. The division may do the following:

- (1) Recommend the purchase, lease, or gift of historic property of archeological importance and make recommendations to the ~~director~~, council and ~~commission~~ **commissioner** regarding policies affecting the operation and administration of these sites and structures by the section of historic sites of the division of state museums and historic sites **of the department of Indiana heritage and cultural resources.**
- (2) Prepare and review planning and research studies relating to archeology.
- (3) Conduct a program of education in archeology, either within the division or in conjunction with a postsecondary educational institution.
- (4) Inspect and supervise an archeological field investigation authorized by this chapter.

SECTION 109. IC 14-21-1-14, AS AMENDED BY P.L.2-2007, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) This section does not apply to real property that is owned by a state educational institution.

(b) The Indiana department of administration shall notify the division of a proposed transfer of real property owned by the state at the earliest planning stage and no later than ninety (90) days before the date of the proposed transfer.

(c) The division shall inspect the property and notify the Indiana department of administration of the location of each historic site or historic structure on the property.

(d) Real property owned by the state may not be sold or transferred until the division has stated in writing that the property does not, to the best of the division's knowledge, contain a historic site or historic structure.

(e) If the Indiana department of administration receives notice of a historic site or historic structure on the property, the Indiana department of administration shall reserve control of the appropriate historic property by means of a covenant or an easement contained in the transferring instrument.

(f) The division of state museums and historic sites **of the department of Indiana heritage and cultural resources** shall administer property reserved under subsection (e).

SECTION 110. IC 14-21-1-18.5, AS AMENDED BY P.L.2-2007, SECTION 173, IS AMENDED TO READ AS FOLLOWS



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[EFFECTIVE JULY 1, 2009]: Sec. 18.5. When submitting its biennial budget request, a state educational institution must:

- (1) submit to the division of historic preservation and archeology of the department of ~~natural~~ **Indiana heritage and cultural** resources a copy of any ten (10) year capital plan of the state educational institution that is required by the budget agency or the commission for higher education; and
- (2) identify the projects included in the capital plan that may involve the alteration or demolition of historic sites or structures.

SECTION 111. IC 14-30-4-16, AS AMENDED BY P.L.146-2008, SECTION 427, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) The commission shall prepare an annual budget for the commission's operation and other expenditures under IC 6-1.1-17. The annual budget is subject to review and modification by the county board of tax adjustment of any participating county.

(b) The commission is not eligible for funding through the Wabash River heritage corridor commission established by ~~IC 14-13-6-6~~. **IC 4-34.1-2-2(7).**

SECTION 112. IC 14-34-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. An application for a surface coal mining and reclamation permit must include the following:

- (1) The names and addresses of the following:
 - (A) The permit applicant.
 - (B) Every legal owner of record of the property (surface and mineral) to be mined.
 - (C) The holders of record of any leasehold interest in the property.
 - (D) Any purchaser of record of the property under a real estate contract.
 - (E) The operator if the operator is a person different from the applicant.
 - (F) If a person in clauses (A) through (E) is a business entity other than a single proprietor, the names and addresses of the principals, officers, and resident agent.
- (2) The names and addresses of the owners of record of all surface and subsurface areas adjacent to any part of the permit area.
- (3) A statement of each current or previous surface coal mining permit in the United States held by the applicant, including each pending application, the permit identification, and the state that

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issued that permit or holds the pending application.

(4) If the applicant is a partnership, a corporation, an association, or other business entity, the following where applicable:

(A) The names and addresses of every officer, partner, or director or person performing a function similar to a director of the applicant.

(B) The name and address of each person owning, of record, at least ten percent (10%) of any class of voting stock of the applicant.

(C) A list of all names under which the applicant, partner, or principal shareholder previously operated a surface coal mining operation within the United States within:

(i) the five (5) years preceding the date of submission of the application; or

(ii) any additional period that the director establishes.

(5) A statement of whether the applicant or a subsidiary, an affiliate, or a person controlled by or under common control with the applicant has:

(A) ever held a federal or state coal mining permit that in:

(i) the five (5) years preceding the date of submission of the application; or

(ii) any additional period that the director establishes; was suspended or revoked or is in the process of revocation; or

(B) had a mining bond or similar security deposited in lieu of bond forfeited;

and if so, a brief explanation of the facts involved and identification of the state in which this action occurred.

(6) A copy of the applicant's advertisement to be published under IC 14-34-4-1. The advertisement must include the following:

(A) The names of the property owners involved.

(B) A description of the exact location and boundaries of the proposed site sufficient so that the proposed surface coal mining operation is readily locatable by local residents.

(C) The location where the application is available for public inspection.

(7) A description of the following:

(A) The type and method of surface coal mining operation that exists or is proposed.

(B) The engineering techniques proposed or used.

(C) The equipment used or proposed to be used.

(8) The anticipated or actual starting and termination dates of

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each phase of the surface coal mining operation and the number of acres of land to be affected.

(9) An accurate map or plan, to an appropriate scale, clearly showing the following:

- (A) The land to be affected as of the date of the application.
- (B) The area of land within the permit area upon which the applicant has the legal right to enter and commence surface coal mining operations, including the following:
 - (i) A statement of those documents upon which the applicant bases the applicant's legal right to enter and commence surface coal mining operations on the area affected.
 - (ii) Whether that right is the subject of pending court litigation.

(10) The name of the watershed and location of the surface stream or tributary into which surface and pit drainage will be discharged.

(11) A determination of the probable hydrologic consequences of surface coal mining and reclamation operations, both on and off the mine site, with respect to the following:

- (A) The hydrologic regime.
- (B) The quantity and quality of water in surface and ground water systems, including the dissolved and suspended solids under seasonal flow conditions.
- (C) The collection of sufficient data for the mine site and surrounding areas so that an assessment can be made of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability.

However, this determination is not required until the time that hydrologic information on the general area before mining is made available from an appropriate federal or state agency. The permit may not be approved until the information is available and is incorporated into the application.

(12) When requested by the director, the climatological factors that are peculiar to the locality of the land to be affected, including the following:

- (A) The average seasonal precipitation.
- (B) The average direction and velocity of prevailing winds.
- (C) The seasonal temperature ranges.

(13) Accurate maps to an appropriate scale clearly showing the land affected on the date of application and the same information that is set forth on topographical maps of the United States

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Geological Survey of a scale of 1:24,000 or 1:25,000 or larger, including all manmade features and archeological and historical sites known by the division of historic preservation and archeology **established under IC 4-34.1-2-2(2)**. The map or plan must show the following:

- (A) All boundaries of the land to be affected.
- (B) The boundary lines and names of present owners of record of all surface areas abutting the permit area.
- (C) The location of all buildings within one thousand (1,000) feet of the permit area.
- (14) Cross section maps or plans of the land to be affected, including the actual area to be mined, prepared by or under the direction of and certified by an engineer licensed under IC 25-31 or a geologist licensed under IC 25-17.6 with assistance from experts in related fields such as land surveying and landscape architecture. The maps or plans must show pertinent elevation and location of test borings or core samplings and depict the following:
 - (A) The nature and depth of the various strata of overburden as required by the commission in the commission's rules.
 - (B) The location and quality of subsurface water if encountered.
 - (C) The nature and thickness of each coal or rider seam above the coal seam to be mined.
 - (D) The nature of the stratum immediately beneath the coal seam to be mined.
 - (E) All mineral crop lines and the strike and dip of the coal to be mined within the area of land to be affected.
 - (F) Existing or previous surface coal mining limits.
 - (G) The location and extent of known workings of each underground coal mine, including mine openings to the surface.
 - (H) The location of aquifers as required by the commission in the commission's rules.
 - (I) The estimated elevation of the water table.
 - (J) The location of spoil, waste, or refuse areas and topsoil preservation areas.
 - (K) The location of all impoundments for waste or erosion control.
 - (L) Each settling or water treatment facility.
 - (M) Constructed or natural drainageways and the location of each discharge to a surface body of water on the area of land

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to be affected or adjacent to the land to be affected.

(N) Profiles at appropriate cross sections of the anticipated final surface configuration that will be achieved under the operator's proposed reclamation plan.

(15) A statement of the result of test borings or core samplings from the permit area, including the following:

(A) Logs of the drill holes.

(B) The thickness of the coal seam found and an analysis of the chemical properties of that coal.

(C) The sulfur content of each coal seam.

(D) Chemical analysis of potentially acid or toxic forming sections of the overburden.

(E) A chemical analysis down to and including the deeper of the following:

(i) The stratum lying immediately underneath the lowest coal seam to be mined.

(ii) An aquifer below the lowest coal seam to be mined that may be adversely impacted by mining.

The director may waive the requirement as to the specific application of this clause if the director determines in writing the requirements are unnecessary.

(16) For the land in the permit application that a reconnaissance inspection suggests may be prime farmland and to confirm the exact location of the prime farmland, a soil survey in accordance with the standards established by the United States Secretary of Agriculture.

(17) A reclamation plan that meets the requirements of section 12 of this chapter.

(18) Proof that the applicant is self-insured or has a public liability insurance policy issued by an insurance company authorized to do business in Indiana in force for the surface coal mining and reclamation operations for which the permit is sought. The policy must provide for personal injury and property damage protection in an amount adequate to compensate each person injured as a result of the surface coal mining and reclamation operation. If a permit is granted, the permittee shall maintain the policy in full force and effect for the duration of the permit or a renewal.

(19) A blasting plan that outlines the procedures the operator will use to comply with IC 14-34-12.

(20) A listing of all notices of violations, and their final resolution, of:

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- (A) IC 13-4.1 (before its repeal);
 - (B) this article; and
 - (C) a:
 - (i) federal statute or regulation; or
 - (ii) state statute or rule enacted or adopted in response to a federal statute or regulation;
- pertaining to air or water environmental protection;
- incurred by the applicant or a subsidiary, an affiliate, or a person controlled by or under common control with the applicant in connection with any surface coal mining operation during the three (3) year period before the date of application.

SECTION 113. IC 14-34-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The director may not approve a permit application unless, in addition to the findings required by section 7 of this chapter, the director states in writing that the director has considered the effects of the proposed mining operation on a place listed on or eligible for listing on the National Register of Historic Places or the Indiana state register of historic sites and structures.

(b) If the director considers it appropriate in accordance with rules adopted by the commission under this section, the director may impose conditions on a permit for the protection of properties or sites listed on or eligible for listing on the National Register of Historic Places or the Indiana state register of historic sites and structures requiring that:

- (1) mining operations not occur in the areas occupied by the properties or sites; or
- (2) measures be implemented to mitigate the effects of the operation upon those properties or sites before mining.

(c) The commission shall adopt rules under IC 4-22-2 to implement this section consistent with the following general principles:

- (1) The commission's rules may not prohibit the use of information from any source and shall recognize the responsibilities of the state historic preservation officer under IC 14-21-1-12 and IC 14-21-1-15.
- (2) The commission's rules must provide for participation by professional and amateur archeologists, anthropologists, historians, or related experts in any:
 - (A) field investigations;
 - (B) studies; or
 - (C) records searches;

required by the director under this section.

- (3) The commission's rules must strive to ensure that field

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investigations and studies are required only where a substantial likelihood exists that important and significant archeological or historic sites are present.

(4) In considering the effect of proposed surface coal mining and reclamation operations on a property or site eligible for listing on the National Register of Historic Places, the director shall consider the following:

(A) Based on information available **under IC 14-21-1** from the division of historic preservation and archeology **of the department of Indiana heritage and cultural resources**, the relative importance of the property or site compared to other properties or sites in Indiana listed on or eligible for listing on the National Register of Historic Places.

(B) The cost of an investigation of the permit area or site as estimated by the applicant. A decision that an investigation is not required may not be based on cost alone.

(5) This section does not authorize rules that impair the ownership of artifacts or other material found on private land.

(d) The director may do the following:

(1) Investigate the possibility of obtaining available federal or private:

- (A) grants;
- (B) subsidies; or
- (C) aid;

to defer the cost to private individuals of measures required by the director under this section.

(2) Apply for any:

- (A) grants;
- (B) aid; or
- (C) subsidies;

that the director determines are available.

(e) In making the finding required by this section, the director shall take into account the general principles set forth in subsection (c).

SECTION 114. IC 23-14-57-1, AS AMENDED BY P.L.113-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) As used in this section, "removal" or "removed" refers to the disinterment, disentombment, or disinurnment of the remains of a deceased human.

(b) Except as provided in subsection (e) and sections 4 and 5 of this chapter, the remains, either cremated or uncremated, of a deceased human shall not be removed from a cemetery without:

(1) a written order:

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- (A) that is issued by the state department of health; and
- (B) that authorizes the removal of the deceased's remains;
- (2) the written consent of:
 - (A) the owner of the cemetery; or
 - (B) the owner's representative; and
- (3) the written consent of a person or persons referred to in one
 - (1) of the following clauses, which are listed according to priority:
 - (A) The individual who was the spouse of the deceased at the time of the deceased's death.
 - (B) The surviving adult child of the deceased. If there is more than one (1) surviving adult child of the deceased, the requirement for written consent under this subdivision is satisfied if:
 - (i) any one (1) of the surviving adult children provides written consent to the removal of the deceased's remains;
 - (ii) the consent provided under item (i) confirms that all other surviving adult children of the deceased have been notified of the proposed removal of the deceased's remains; and
 - (iii) the state department of health does not receive a written objection to the proposed removal from any of the deceased's surviving adult children.
 - (C) The surviving parent of the deceased. If the deceased is survived by both parents, the requirement for written consent under this subdivision is satisfied if:
 - (i) either surviving parent provides written consent to the removal of the deceased's remains; and
 - (ii) the state department of health does not receive a written objection to the proposed removal from the other surviving parent.
 - (D) The individual in the next degree of kinship to the deceased under IC 29-1-2-1. If more than one (1) individual of the same degree of kinship is surviving, the requirement for written consent under this subdivision is satisfied if:
 - (i) any individual of that degree of kinship provides written consent to the removal of the deceased's remains; and
 - (ii) the state department of health does not receive a written objection to the proposed removal from any other surviving individual in the same degree of kinship.
- (c) Before issuing a written authorization under subsection (b), the state department of health shall do the following:
 - (1) Obtain written evidence that a licensed funeral director has

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agreed to:

- (A) be present at the removal and at the reinterment, reentombment, or reinurnment of the remains; and
- (B) cause the completed order of the state department of health to be recorded in the office of the county recorder of the county where the removal occurs.

(2) Obtain a copy of:

- (A) the written consent required under subsection (b)(3); or
- (B) a court order obtained by a person under subsection (d).

(d) If the written consent of an individual authorized under subsection (b)(3) to give consent is not available, a person who has made a request under this section to the state department of health may petition a court to determine whether to waive the consent requirement of subsection (b)(3). In determining whether to waive the requirement, the court shall consider the viewpoint of any issue (as defined in IC 29-1-1-3) of the deceased. In a proceeding under this subsection, the court may not order the disinterment, disentombment, or disinurnment of the remains of a deceased human.

(e) This subsection applies only if the human remains are on property owned or leased by a coal company. The remains, either cremated or uncremated, of a deceased human may be removed from a cemetery by a coal company if the coal company obtains a court order authorizing the disinterment, disentombment, or disinurnment. Before issuing a court order under this subsection, a court must conduct a hearing and be satisfied as to the following:

- (1) That the property is owned or leased by the coal company.
- (2) That the coal company has obtained the written consent of an individual authorized to give consent under subsection (b)(3). If the consent of an individual authorized to give consent under subsection (b)(3) is not available, the court may waive the requirement after considering the viewpoint of any issue (as defined in IC 29-1-1-3) of the deceased.
- (3) That the department of ~~natural~~ **Indiana heritage and cultural** resources, division of historic preservation and archeology (**IC 14-21-1**), has received at least five (5) days written notice of the time, date, and place of any hearing under this subsection. The notice must describe the proposed place from which the remains will be removed.
- (4) That a licensed funeral director has agreed to:
 - (A) be present at the removal and at the reinterment, reentombment, or reinurnment of the remains; and
 - (B) cause the completed order of the state department of health

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to be recorded in the office of the county recorder of the county where the removal occurs.

(5) That the coal company has caused a notice of the proposed removal to be published at least five (5) days before the hearing in a newspaper of general circulation in the county where the removal will occur.

(6) That the coal company will notify the department of ~~natural~~ **Indiana heritage and cultural** resources, division of historic preservation and archeology (**IC 14-21-1**), after the hearing of the proposed time and date when the remains will be removed.

(f) A:

- (1) licensed funeral director; or
- (2) cemetery owner;

is not liable in an action brought by any person because of the removal of a deceased's remains under a written consent described in subsection (b)(3) or (e)(2) unless the licensed funeral director or the cemetery owner had actual notice before or at the time of the removal that a representation made in the consent described in subsection (b)(3) or (e)(2) was untrue.

(g) The state department of health may adopt rules under IC 4-22-2 to implement this section.

SECTION 115. IC 23-14-57-4, AS AMENDED BY P.L.26-2008, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. This chapter does not apply to the following:

- (1) The disinterment, disentombment, or disurnment of remains upon the written order of the coroner of the county in which the cemetery is situated.
- (2) The removal of human remains under a plan approved by the division of historic preservation and archeology **of the department of Indiana heritage and cultural resources** under IC 14-21-1.

SECTION 116. IC 23-14-67-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. (a) Before March 1 of each year, a county cemetery commission shall file an annual report with the Indiana historical bureau established by ~~IC 4-23-7-3~~ **IC 4-34.1-2-2(4)**.

(b) An annual report filed under this section must include information on the following:

- (1) The budget of the county cemetery commission for the preceding calendar year.
- (2) Expenditures made by the county cemetery commission during the preceding calendar year.

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(3) Activities of the county cemetery commission during the preceding calendar year.

(4) Plans of the county cemetery commission for the calendar year during which the report is filed.

(c) The Indiana historical bureau shall make reports filed under this section available for public inspection under IC 5-14-3.

SECTION 117. IC 27-1-20-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. Every company doing business in this state shall file with the department on or before March 1 in each year a financial statement for the year ending December 31 immediately preceding in a format in accordance with IC 27-1-3-13. For good and sufficient cause shown, the commissioner may grant to any individual company a reasonable extension of time not to exceed ninety (90) days within which such statement may be filed. Such statement shall be verified by the oaths of the president or a vice president and the secretary or an assistant secretary of the company. The statement of an alien company shall segregate and state separately its condition and transaction in the United States and such segregated and separated statement shall be verified by the oath of its resident manager or principal representative in the United States. The commissioner of insurance may, with the approval of the commission on public records **established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**, authorize the destruction of such annual statements which have been on file for two (2) years or more and microfilm copies of which have been made and filed.

SECTION 118. IC 34-41-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The:

(1) register of the sales of the Michigan road lands located in the Indiana state archives **maintained by the commission on public records established within the department of Indiana heritage and cultural resources by IC 4-34.1-2-2(5)**; and

(2) certified copies of any entry in the register under the seal of Indiana;

are admissible in evidence in all courts and places.

(b) The register, or a certified copy of the entry of the sale of a tract of land described in the register, by any person named in the register as the purchaser of the land, is prima facie evidence that:

(1) the person designated in the register was the purchaser of the land; and

(2) the title to the land has been conveyed by the state to the purchaser in fee simple.

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SECTION 119. IC 36-1-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsection (b) and regardless of the requirements of section 4 of this chapter, if an agreement under section 3 of this chapter concerns the provision of services or facilities that a state officer or state agency has power to control, the agreement must be submitted to that officer or agency for approval before it takes effect.

(b) If a reciprocal borrowing agreement under section 3 of this chapter concerns the provision of library services or facilities between public libraries that are of the same nature as the services provided under the statewide library card program under IC 4-23-7.1-5.1, the reciprocal borrowing agreement is not required to be submitted to the Indiana ~~state library and historical board~~ for approval before the reciprocal borrowing agreement takes effect, but a copy of the reciprocal borrowing agreement shall be submitted to the **Indiana** state library.

(c) Approval or disapproval is governed by the same provisions prescribed by section 4(b) of this chapter for the attorney general.

SECTION 120. IC 36-1-11-1, AS AMENDED BY P.L.2-2006, SECTION 188, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the disposal of property by:

- (1) political subdivisions; and
- (2) their agencies.

(b) This chapter does not apply to the following:

- (1) The disposal of property under an urban homesteading program under IC 36-7-17.
- (2) The lease of school buildings under IC 20-47.
- (3) The sale of land to a lessor in a lease-purchase contract under IC 36-1-10.
- (4) The disposal of property by a redevelopment commission established under IC 36-7.
- (5) The leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3.
- (6) The disposal of a municipally owned utility under IC 8-1.5.
- (7) The sale or lease of property by a unit to an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code or the sale or reletting of that property by the nonprofit corporation.

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- (8) The disposal of surplus property by a hospital established and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.
- (9) The sale or lease of property acquired under IC 36-7-13 for industrial development.
- (10) The sale, lease, or disposal of property by a local hospital authority under IC 5-1-4.
- (11) The sale or other disposition of property by a county or municipality to finance housing under IC 5-20-2.
- (12) The disposition of property by a soil and water conservation district under IC 14-32.
- (13) The disposal of surplus property by the health and hospital corporation established and operated under IC 16-22-8.
- (14) The disposal of personal property by a library board under IC 36-12-3-5(c).
- (15) The sale or disposal of property by the historic preservation commission under IC 36-7-11.1.
- (16) The disposal of an interest in property by a housing authority under IC 36-7-18.
- (17) The disposal of property under IC 36-9-37-26.
- (18) The disposal of property used for park purposes under IC 36-10-7-8.
- (19) The disposal of textbooks that will no longer be used by school corporations under IC 20-26-12.
- (20) The disposal of residential structures or improvements by a municipal corporation without consideration to:
- (A) a governmental entity; or
 - (B) a nonprofit corporation that is organized to expand the supply or sustain the existing supply of good quality, affordable housing for residents of Indiana having low or moderate incomes.
- (21) The disposal of historic property without consideration to a nonprofit corporation whose charter or articles of incorporation allows the corporation to take action for the preservation of historic property. As used in this subdivision, "historic property" means property that is:
- (A) listed on the National Register of Historic Places; or
 - (B) eligible for listing on the National Register of Historic Places, as determined by the division of historic preservation and archeology of the department of ~~natural~~ **Indiana heritage and cultural** resources (IC 4-34.1-2).
- (22) The disposal of real property without consideration to:

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(A) a governmental agency; or

(B) a nonprofit corporation that exists for the primary purpose of enhancing the environment;

when the property is to be used for compliance with a permit or an order issued by a federal or state regulatory agency to mitigate an adverse environmental impact.

(23) The disposal of property to a person under an agreement between the person and a political subdivision or an agency of a political subdivision under IC 5-23.

(24) The disposal of residential real property pursuant to a federal aviation regulation (14 CFR 150) Airport Noise Compatibility Planning Program as approved by the Federal Aviation Administration.

SECTION 121. IC 36-7-11.2-11, AS AMENDED BY P.L.219-2007, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. As used in this chapter, "notice" means written notice:

(1) served personally upon the person, official, or office entitled to the notice; or

(2) served upon the person, official, or office by placing the notice in the United States mail, first class postage prepaid, properly addressed to the person, official, or office. Notice is considered served if mailed in the manner prescribed by this subdivision properly addressed to the following:

(A) The governor, both to the address of the governor's official residence and to the governor's executive office in Indianapolis.

(B) The Indiana department of transportation, to the commissioner.

(C) The department of ~~natural~~ **Indiana heritage and cultural resources (IC 4-34.1-2)**, both to the ~~director~~ **commissioner** of the department and to the director of the department's division of historic preservation and archeology.

(D) The department of metropolitan development.

(E) An occupant, to:

(i) the person by name; or

(ii) if the name is unknown, the "Occupant" at the address of the Meridian Street or bordering property occupied by the person.

(F) An owner, to the person by the name shown to be the name of the owner, and at the person's address, as the address appears in the records in the bound volumes of the most recent

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real estate tax assessment records as the records appear in:

- (i) the offices of the township assessors; or
- (ii) the office of the county assessor;

in Marion County.

(G) A neighborhood association or the society, to the organization at the latest address as shown in the records of the commission.

SECTION 122. IC 36-7-11.3-6, AS AMENDED BY P.L.146-2008, SECTION 720, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. As used in this chapter, "notice" means written notice:

- (1) served personally upon the person, official, or office entitled to the notice; or
- (2) served upon the person, official, or office by placing the notice in the United States mail, first class postage prepaid, properly addressed to the person, official, or office. Notice is considered served if mailed in the manner prescribed by this subdivision properly addressed to the following:

(A) The governor, both to the address of the governor's official residence and to the governor's executive office in Indianapolis.

(B) The Indiana department of transportation, to the commissioner.

(C) The department of ~~natural~~ **Indiana heritage and cultural resources (IC 4-34.1-2)**, both to the ~~director~~ **commissioner** of the department and to the director of the department's division of historic preservation and archeology.

(D) The municipal plan commission.

(E) An occupant, to:

- (i) the person by name; or
- (ii) if the name is unknown, the "Occupant" at the address of the primary or secondary property occupied by the person.

(F) An owner, to the person by the name shown to be the name of the owner, and at the person's address, as appears in the records in the bound volumes of the most recent real estate tax assessment records as the records appear in:

- (i) the offices of the township assessors (if any); or
- (ii) the office of the county assessor.

(G) The society, to the organization at the latest address as shown in the records of the commission.

SECTION 123. IC 36-12-1-2, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 2. "Indiana **state** library" ~~and historical board~~^u refers to the Indiana **state** library ~~and historical board~~ established by ~~IC 4-23-7-2~~. **IC 4-34.1-2-2(6)**.

SECTION 124. IC 36-12-3-16, AS AMENDED BY P.L.130-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) The library board may adopt a resolution allowing money to be disbursed under this section for lawful library purposes, including advertising and promoting the programs and services of the library.

(b) With the prior written approval of the library board and if the library board has adopted a resolution under subsection (a), claim payments may be made in advance of library board allowance for any of the following types of expenses:

- (1) Property or services purchased or leased from the federal government or the federal government's agencies and the state, the state's agencies, or the state's political subdivisions.
- (2) Dues, subscriptions, and publications.
- (3) License or permit fees.
- (4) Insurance premiums.
- (5) Utility payments or connection charges.
- (6) Federal grant programs where:
 - (A) advance funding is not prohibited; and
 - (B) the contracting party posts sufficient security to cover the amount advanced.
- (7) Grants of state funds authorized by statute.
- (8) Maintenance and service agreements.
- (9) Legal retainer fees.
- (10) Conference fees.
- (11) Expenses related to the educational or professional development of an individual employed by the library board, including:
 - (A) inservice training;
 - (B) attending seminars or other special courses of instruction; and
 - (C) tuition reimbursement;
 if the library board determines that the expenditures under this subdivision directly benefit the library.
- (12) Leases or rental agreements.
- (13) Bond or coupon payments.
- (14) Payroll costs.
- (15) State, federal, or county taxes.
- (16) Expenses that must be paid because of emergency

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circumstances.

(17) Expenses incurred to advertise and promote the programs and services of the library.

(18) Other expenses described in a library board resolution.

Each payment of expenses lawfully incurred for library purposes must be supported by a fully itemized invoice or other documentation. The library director must certify to the library board before payment that each claim for payment is true and correct. The certification must be on a form prescribed by the state board of accounts. The library board shall review and allow the claim at the library board's first regular or special meeting following the payment of a claim under this section.

(c) Purchases of books, magazines, pamphlets, films, filmstrips, microforms, microfilms, slides, transparencies, phonodiscs, phonotapes, models, art reproductions, and all other forms of library and audiovisual materials are exempt from the restrictions imposed by IC 5-22.

(d) The purchase of library automation systems must meet the standards established by the Indiana **state library and historical board** under IC 4-23-7.1-11(b).

SECTION 125. IC 36-12-11-2, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "board" refers to the ~~Indiana~~ library and historical **advisory** board established by ~~IC 4-23-7-2~~ **IC 4-23-7-1**.

SECTION 126. IC 36-12-11-3, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. As used in this chapter, "director" refers to the director of the Indiana state library appointed under ~~IC 4-23-7.1-37~~ **IC 4-34.1-2-6**.

SECTION 127. IC 36-12-11-5, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. **(a)** The board shall do the following:

(1) Prescribe and define grades of public library service and prescribe the qualifications that individuals must possess who are employed in each of the grades of public library service, giving due consideration to the population served and the income and salary schedule of each library.

~~(2) Make available the requirements for certification of all grades upon request and without charge to all prospective applicants.~~

~~(3) Issue certificates to candidates who apply for certificates and who, by reason of their academic or technical training and experience, are found to be suitable individuals to certify.~~

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~~(4)~~ **(2)** Prescribe and define the qualifications of a library director, a head of a department or branch, or a professional assistant of a public library.

~~(5)~~ **(3)** Adopt rules under IC 4-22-2 that the board determines are necessary to administer this chapter.

(b) The director shall do the following:

(1) Make available the requirements for certification of all grades upon request and without charge to all prospective applicants.

(2) Issue certificates to candidates who apply for certificates and who, by reason of their academic or technical training and experience, are found to be suitable individuals to certify.

SECTION 128. IC 36-12-11-7, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) An individual who:

(1) desires to be certified as a librarian in a designated division, grade, or type of public library service; and

(2) possesses the qualifications prescribed in the rules of the board as essential to enable an individual to apply for a certificate;

may apply to the ~~board~~ **director** for a certificate in any grade or grades of public library service.

(b) The application must be:

(1) made on a form prescribed and supplied by the ~~board~~; **director**; and

(2) accompanied by the fee set by the board under section 11 of this chapter.

(c) If the application is found to be satisfactory, the applicant is entitled to a certificate in the grade or grades of public library service for which the applicant applied.

SECTION 129. IC 36-12-11-11, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The board shall adopt rules under IC 4-22-2 to set fees to be paid by an individual who applies for certification under section 7 of this chapter. If the board has not set a fee by rule for a particular type of application, the fee is one dollar (\$1).

(b) Payment of fees set under this section may be made by any of the following:

(1) Cash.

(2) A draft.

(3) A money order.

(4) A cashier's check.

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(5) A certified check.

(6) A personal check.

If an individual pays a fee with an uncertified personal check and the check does not clear the bank, the ~~board~~ **director** may void the certificate for which the check was received.

(c) Unless specified by the rules of the board, a fee is not refundable or transferable.

(d) Fees shall be paid to the library certification account established under section 10 of this chapter."

Page 9, delete lines 40 through 42.

Page 10, line 1, delete "(3)" and insert "(1)".

Page 10, line 3, delete "(4)" and insert "(2)".

Page 10, line 5, delete "(5)" and insert "(3)".

Page 10, line 6, delete "(6)" and insert "(4)".

Page 10, line 7, delete "(7) The Indiana war memorials commission." and insert "**(5) The Wabash River heritage corridor commission.**".

Page 10, line 8, delete "(8)" and insert "(6)".

Page 10, line 9, delete "(9)" and insert "(7)".

Page 10, line 11, delete "(10)" and insert "(8)".

Page 10, delete lines 13 through 20.

Page 10, line 21, delete "(g)" and insert "(d)".

Page 10, line 23, delete "(h) The" and insert "**(e) After June 30, 2009, the**".

Page 10, line 24, after "agency" insert "**that were employed by a heritage and cultural agency on June 30, 2009,**".

Page 10, line 25, delete "(i) The following" and insert "**(f) Beginning July 1, 2009, the directors of the heritage and cultural agencies**".

Page 10, line 27, delete "department:" and insert "**department.**".

Page 10, delete lines 28 through 35.

Page 10, line 36, delete "(j)" and insert "(g)".

Page 10, line 37, after "planning" insert "**and the state personnel department**".

Page 10, line 39, delete "The state personnel department".

Page 10, delete line 40 through 42.

Page 11, delete line 1.

Page 11, line 2, delete "(k)" and insert "**(h)**".

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Page 11, line 10, delete "(l)" and insert "(i)".

Renumber all SECTIONS consecutively.

(Reference is to SB 524 as printed February 17, 2009.)

MERRITT

SENATE MOTION

Madam President: I move that Senate Bill 524 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-13-12.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. As used in this chapter, "society" refers to the Indiana ~~historical society established under IC 23-6-3~~ **Historical Society, which was originally incorporated by Special Acts 1831, c.34.**

SECTION 2. IC 4-13-12.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The department may enter into a lease with the society for the ~~society's~~ use of any part of the building, exterior improvements, and surrounding site.

(b) Notwithstanding the term limitation for a lease under IC 4-13-1-4(10), the department may enter into a lease under subsection (a) for a term of not more than ninety-nine (99) years.

(c) Rent under a lease entered into under this section is one dollar (\$1) each year, payable in advance.

(d) A lease entered into under this section must require the department to provide, at no cost to the society, the following services in relation to the building, the exterior improvements, and the surrounding site:

- (1) Management.
- (2) Maintenance.
- (3) Operation.
- (4) Utilities (other than telephone services).
- (5) Other services reasonably necessary to maintain the building, exterior improvements, and the surrounding site.

(e) A lease entered into under this section must provide that the lease terminates if the society or its successor vacates the building.

(f) A lease entered into under this section may permit the building to house state activities or functions.

SECTION 3. IC 4-13-12.1-13 IS ADDED TO THE INDIANA

SB 524—LS 7363/DI 77+



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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 13. (a) The legislative services agency shall deliver to the society one (1) copy of the Indiana Code, the Acts of Indiana, and the journals of the senate and house of representatives for each year beginning in 2009.**

(b) The secretary of state shall deliver to the society all books, articles, and other documents that the secretary of state's office is holding on behalf of the society."

Page 9, between lines 31 and 32, begin a new paragraph and insert:

SECTION 9. IC 14-21-1-13.5, AS AMENDED BY P.L.3-2008, SECTION 101, IS AMENDED TO READ AS FOLLOWS: Sec. 13.5.

(a) The division may conduct a program to survey and register in a registry of Indiana cemeteries and burial grounds that the division establishes and maintains all cemeteries and burial grounds in each county in Indiana. The division may conduct the program alone or by entering into an agreement with one (1) or more of the following entities:

- (1) The Indiana Historical Society, ~~established under IC 23-6-3~~ **which was originally incorporated by Special Acts 1831, c.34.**
- (2) A historical society (as defined in IC 36-10-13-3).
- (3) The Historic Landmarks Foundation of Indiana.
- (4) A professional archeologist or historian associated with a postsecondary educational institution.
- (5) A township trustee.
- (6) Any other entity that the division selects.

(b) In conducting a program under subsection (a), the division may receive gifts and grants under terms, obligations, and liabilities that the director considers appropriate. The director shall use a gift or grant received under this subsection:

- (1) to carry out subsection (a); and
- (2) according to the terms of the gift or grant.

(c) At the request of the director, the auditor of state shall establish a trust fund for purposes of holding money received under subsection (b).

(d) The director shall administer a trust fund established by subsection (c). The expenses of administering the trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the trust fund established by subsection (c) that is not currently needed to meet the obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the trust fund the interest that accrues from the investment of the trust fund.

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(f) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

(g) Nothing in this section may be construed to authorize violation of the confidentiality of information requirements of 16 U.S.C. 470w-3 and 16 U.S.C. 470hh.

(h) The division may record in each county recorder's office the location of each cemetery and burial ground located in that county."

Page 11, after line 10 begin a new paragraph and insert:

"SECTION 13. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 4-13-12.1-7; IC 23-6-3."

Renumber all SECTIONS consecutively.

(Reference is to SB 524 as printed February 17, 2009.)

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